

FORTY-SECOND DAY

(Continued)

(Tuesday, March 28, 1961)

After Recess

The Senate met at 9:00 o'clock a.m., and was called to order by the President.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Lane.

Senator Gonzalez was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Committee on Nominations

On motion of Senator Dies and by unanimous consent the Committee on Nominations was granted permission to hold a meeting while the Senate was in session.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 57, Suspending the Joint Rules to permit each House to adjourn from Thursday, March 30, 1961, to Wednesday, April 5, 1961.

The House has adopted the Conference Committee Report on House Bill No. 33 by viva voce vote.

S. C. R. No. 34, Inviting Ted Connell to address a Joint Session of the Legislature on Wednesday, 11:30 a.m., March 29, 1961.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. C. R. No. 58, Directing Board of Control to fly the flag of Greece beneath the Texas flag over the State Capitol on March 23, 1961.

H. B. No. 54, Amending Section 10-B of Chapter 425, Acts of the Regular Session of the 55th Legislature, 1957 (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Section 10-B); amending Section 10-D, Acts of the Regular Session of the 55th Legislature, 1957, as amended by Section 2 of Chapter 164, Acts of the Regular Session of the 56th Legislature, 1959 (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Section 10-D); giving the Texas Water Development Board greater latitude with respect to transfer of moneys between statutory Funds; etc.; and declaring an emergency.

H. B. No. 265, Amending Article 5728 of the Revised Civil Statutes of Texas (1925), providing that the Commissioner of Agriculture shall fix and collect fees for testing all weights, scales, beams and any kind of instruments or mechanical devices for weighing or measuring; providing the method of attaching certain test certificates or seals; providing for maximum fees and the manner and time of collection; providing for payment of all moneys collected into the State Treasury and placed by the State Treasurer in the Special Department of Agriculture Fund for enforcement and administration purposes; etc.; and declaring an emergency.

H. B. No. 351, A bill to be entitled "An Act to reorganize the Forty-second and the Ninetieth Judicial Districts of the State of Texas by removing Shackelford County from the Forty-second Judicial District and adding Shackelford County to the Ninetieth Judicial District and making certain other provisions relating thereto; and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act amending Article 79, 81 and 82 of the Election Code as enacted in Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, to

clarify the provisions of Article 82, to permit the use, in cities of more than two hundred thousand (200,000) inhabitants in which voting machines are used, of paper ballots under certain conditions, and to lower to five (5) days the period for keeping voting machines under certain conditions; and declaring an emergency."

Senate Bill 368 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 368, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, comprising certain territory contained in Bowie County, Texas, to be known as 'Bowie County Water Supply District' (hereinafter called District); constituting the same a governmental agency and body politic and corporate; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 368 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 368 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Hardeman	Rogers
Herring	Schwartz
Kazen	Secrest
Krueger	Smith

Absent

Hazlewood	Roberts
Ratliff	Willis
Reagan	

Absent—Excused

Fuller	Hudson
Gonzalez	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—22

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Hardeman	Rogers
Herring	Schwartz
Kazen	Secrest
Krueger	Smith

Absent

Hazlewood	Roberts
Ratliff	Willis
Reagan	

Absent—Excused

Fuller	Hudson
Gonzalez	Weinert

Senate Bill 297 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 297, A bill to be entitled "An Act amending Chapter 117, House Bill No. 641, Acts 55th Legislature of Texas, Regular Session, 1957, relating to Harris County Houston Ship Channel Navigation District of Harris County, Texas; validating all acts and governmental proceedings of the Board of Navigation and Canal Commissioners and other officials of said District and all bonds and other obligations of said District heretofore issued and all proceedings heretofore adopted relating to bonds and other obligations of said District; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 297 to engrossment.

Senate Bill 297 on Third Reading

Senator Baker moved that Senate

Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 297 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Roberts
Herring	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Smith
Martin	

Absent

Hazlewood	Willis
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Absent—Excused

Fuller	Hudson
Gonzalez	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—24

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Herring	Roberts
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Martin	Smith

Nays—1

Hardeman	
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Absent

Hazlewood	Willis
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Absent—Excused

Fuller	Hudson
Gonzalez	Weinert

Senate Bill 288 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 288, A bill to be entitled "An Act authorizing the Board of Directors of Texas Southern University for and on behalf of Texas Southern University, Houston, Texas, to acquire by purchase, exchange or otherwise tracts of land in Harris County, Texas contiguous and/or adjacent to the campus of Texas Southern University when deemed necessary by the Board of Directors; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 288 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 288 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Colson
Baker	Creighton
Calhoun	Crump

Dies	Owen
Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Schwartz
Martin	Secrest
Moffett	Smith
Moore	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 352 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 352, A bill to be entitled "An Act amending Section 5 of Chapter 68, page 94, Acts of the 48th Legislature, Regular Session, 1943, as amended, and codified as Article 5172a of Vernon's Civil Statutes, providing for the limiting of hours of labor and prescribing of wages for overtime labor for certain female employees including employees of banking institutions; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 352 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 352 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

(Senator Hardeman in the Chair.)

Senate Bill 324 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 324, A bill to be entitled "An Act amending Section 5 of Chapter 114, Acts of the Fifty-first Legislature, Regular Session, 1949, relating to annexation of common and/or independent school districts to certain junior college districts so as to change the term of office of trustees elected for junior college districts governed by the provisions of said Act; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 324 on Third Reading

Senator Calhoun moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 324 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 307 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 307, A bill to be entitled "An Act providing that Houston County Water Control and Improvement District No. 1 shall contain all of the territory contained in Houston County, that no proceedings with reference

to excluding land from said District shall be required and that all taxes voted by the qualified voters of said District shall be ad valorem; providing that, in addition to powers set forth in laws relating to water control and improvement districts, this District is empowered to purchase and construct ponds, facilities and equipment necessary for removing wastes and eliminating or reducing pollution of water before it reaches the Trinity River; authorizing said Districts to make contracts under which it will sell water and to make contracts under which it will transport, treat and dispose of municipal and industrial sewage, waste and effluent; making provision for the issuance of bonds by the District and for the payment and security of such bonds; and declaring an emergency."

The bill was read second time.

Senator Colson offered the following amendment to the bill:

Amend Senate Bill 307 by adding a new section at the end of Section 2 to be known as Section 2-A, reading as follows:

"Sec. 2-A. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power heretofore or hereunder granted, makes necessary the relocation, raising, rerouting, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District."

The amendment was adopted.

On motion of Senator Colson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 307 on Third Reading

Senator Colson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that

S. B. No. 307 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 69 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 69, A bill to be entitled "An Act to amend Section 21 of Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amend-

ed, which is codified as Rule 54a of Article 4477, Vernon's Texas Civil Statutes, providing for an increase in the fees for certified copies of vital records issued by the State Registrar of Vital Statistics, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 69 on Third Reading

Senator Colson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers

Schwartz
Secrest

Smith
Willis

Absent—Excused

Fuller
Gonzalez

Weinert

Senate Bill 334 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 334, A bill to be entitled "An Act providing that directors, employees and engineers of any district or authority created by Act of the Legislature of the State of Texas under Article XVI, Section 59 of the Constitution and having the power to provide a water supply for municipal or other uses shall have the same authority as is conferred upon the directors, employees and engineers of water control and improvement districts by Section 49, Chapter 25, Acts of the Thirty-ninth Legislature with reference to making surveys and attending to other business of the district or authority; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 334 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 334 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller
Gonzalez

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller
Gonzalez

Weinert

Senate Bill 303 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 303, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, to be known as the 'Palo Pinto County Municipal Water District No. 1,' for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial, and mining uses and processing, etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 303 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Calhoun
Baker	Colson

Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Martin	Smith
Moffett	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 248 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 248, A bill to be entitled "An Act amending Article 5697 of the Revised Civil Statutes of Texas, 1925, to provide that public weighers may have their seals printed upon weight certificates and that if printed the same shall be authenticated by signature; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 248 on Third Reading

Senator Willis moved that Senate

Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 248 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 411 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 411, A bill to be entitled

"An Act providing that any town which has been duly and legally incorporated and which has heretofore adopted or may hereafter adopt the provisions of Title 28, Revised Civil Statutes of Texas, 1925, as amended, may change its name of designation from town to city, by ordinance passed by the governing body of such town; provided, however, that the change in the designation of such town shall in no wise affect the corporate existence or powers; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 411 on Third Reading

Senator Dies moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 411 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Dies
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen

Krueger	Ratliff
Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Schwartz
Owen	Secrest
Parkhouse	Smith
Patman	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 267 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 267, A bill to be entitled "An Act to provide that the taking and carrying away of merchantable timber of a value of less than One Hundred Dollars (\$100) shall be subject to a fine and/or jail sentence; amending Article 1379 of the Penal Code of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 267 on Third Reading

Senator Dies moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 267 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 73 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 73, A bill to be entitled "An Act amending Section 6, Senate Bill No. 222, 55th Legislature, Regular Session, as amended, by Senate Bill No. 10, 56th Legislature, 2nd Called Session, providing for the removal of offices; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 73 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Dies
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen

Krueger	Ratliff
Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Schwartz
Owen	Secrest
Parkhouse	Smith
Patman	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 92 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 92, A bill to be entitled "An Act to amend Section 4 of H. B. 753, Acts of the Regular Session, 52nd Legislature, as amended, by adding thereto a new Subsection to Section 4 to be known as Subsection (d) authorizing the exemption of all medical, surgical, technical equipment and supplies provided by the Texas State Department of Health to Local Public Health Units, Local Public Health Laboratories, state institutions, and non-profit institutions, contributing to the promotion and maintenance of public health by the usage of such medical, surgical, technical equipment and supplies administered by the

State Health Department from system of accounting and placing responsibility for state property upon the Department; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 92 on Third Reading

Senator Martin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 92 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 268 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 268, A bill to be entitled "An Act creating Upper Leon River Municipal Water District, a conservation District under Article XVI, Section 59 of the Constitution comprising initially the territory contained within the cities of Comanche, DeLeon, Dublin, Gorman, Hamilton, Hico, and Stephenville, for the purpose of providing a source of water supply for municipal, domestic, and industrial uses and processing and transporting such water; authorizing provision of sewage treatment and disposal facilities as an aid to conservation of water; etc.; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following committee amendment to the bill:

Amend Senate Bill 268 by striking out all of Section 9 and substituting in lieu thereof the following:

"Section 9. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District."

The committee amendment was adopted.

On motion of Senator Martin and by unanimous consent the Caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 268 on Third Reading

Senator Martin moved that Senate

Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 96 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 96, A bill to be entitled "An Act amending Section 1 of Chap-

ter 387, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 3.62-1, Insurance Code, Vernon's Texas Civil Statutes, so as to include State-wide mutual assessment companies as being subject to penalties for delay in payment of losses on policies; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 96 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Kazen
Baker	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moffett
Crump	Moore
Dies	Owen
Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff
Hudson	Reagan

Roberts	Secrest
Rogers	Smith
Schwartz	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 282 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 282, A bill to be entitled "An Act amending Sections 2 and 3 of the Adult Probation and Parole Law of 1957, codified as Article 781d of Vernon's Code of Criminal Procedure, so as to permit the use of probation in misdemeanor cases; repealing all laws and parts of laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 282 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 282 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 298 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 298, A bill to be entitled "An Act amending Chapter 498, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 1725, Vernon's Texas Penal Code, by amending Section 1 defining 'Public Display'; amending Section 3 to provide certain labeling of shipping containers of certain fireworks; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 298 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 298 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Schwartz
Krueger	Secrest

Smith Willis
Absent—Excused

Fuller Weinert
Gonzalez

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller Weinert
Gonzalez

Senate Bill 386 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 386, A bill to be entitled "An Act amending Article 7641-b of the Revised Civil Statutes of Texas of 1925, as amended, so as to provide for dividing Water Improvement Districts organized or operated under Chapter 2 of Title 128, Revised Civil Statutes of Texas of 1925, when such Districts are operated under contract with the Department of the Interior of the Government of the United States, into divisions for the election of Directors thereof; validating and confirming all orders heretofore made by the Board of Directors of such Districts dividing said Districts into divisions, and validating and confirming all elections heretofore held; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 386 to engrossment.

Senate Bill 386 on Third Reading

Senator Owen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Nays—1

Hardeman

Absent—Excused

Fuller Weinert
Gonzalez

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Nays—1

Hardeman

Absent—Excused

Fuller Weinert
Gonzalez

Senate Bill 360 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 360, A bill to be entitled "An Act amending Section 18 of Chapter 101, Acts of the 43rd Legislature, 1st Called Session, 56th Legislature, Regular Session, 1959, relating to the firemen and policemen pension fund; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 360 on Third Reading

Senator Owen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Hardeman
Baker	Hazlewood
Calhoun	Herring
Colson	Hudson
Creighton	Kazen
Crump	Krueger
Dies	Lane

Martin	Reagan
Moffett	Roberts
Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 365 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 365, A bill to be entitled "An Act providing that defendants may put up cash money or the equivalent thereof in approved securities in lieu of a bond or recognizance in all cases before District or County Courts where bail is allowed under existing law; providing for a forfeiture, the sake keeping and return of same, the procedure and construction in regard thereto; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 365 on Third Reading

Senator Owen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 365 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 327 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 327, A bill to be entitled "An Act to amend Article 17.05 of Acts 1959, 56th Legislature, 3rd Called Session, Chapter 1; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 327 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 327 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers

Schwartz
Secrest

Smith
Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 378 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 378, A bill to be entitled "An Act creating a juvenile board in Victoria County; prescribing the membership and powers of the board and providing for the compensation of its members; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 378 on Third Reading

Senator Patman moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Calhoun
Baker	Colson

Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Martin	Smith
Moffett	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 308 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 308, A bill to be entitled "An Act relating to investment of proceeds from the sale of bonds, and assessments, equalization and collection of taxes in the West Central Texas Municipal District, amending subsection (g) of Section 12 of Chapter 66, Acts of the 54th Legislature, Regular Session, 1955, and adding a new Section, Section 22, thereto; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 308 on Third Reading

Senator Ratliff moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 308 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Fuller	Weinert
Gonzalez	

Senate Bill 280 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 280, A bill to be entitled

"An Act relating to the selection of members of the Board of Directors of Donley County Water Control and Improvement District No. 1, their qualifications and their terms of office; providing for this transfer by the District to the City of Memphis of District's properties after District becomes debt free; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 280 on Third Reading

Senator Rogers moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 280 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Hudson
Baker	Kazen
Calhoun	Krueger
Colson	Lane
Creighton	Martin
Crump	Moffett
Dies	Moore
Fuller	Owen
Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff

Reagan	Secrest
Roberts	Smith
Rogers	Willis
Schwartz	

Absent—Excused

Gonzalez Weinert

Senate Bill 342 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 342, A bill to be entitled "An Act amending Section 7 of Chapter 35, Acts of the Fifty-third Legislature, First Called Session, 1954, relating to the powers of the Green Belt Municipal and Industrial Water Authority with respect to condemnation of land and easements; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 342 on Third Reading

Senator Rogers moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 342 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez	Weinert
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Senate Bill 235 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 235, A bill to be entitled "An Act relating to the Court of Civil Appeals for the First Supreme Judicial District; amending Section 2 of Chapter 421, Acts of the 55th Legislature, 1957, compiled as Article 1817a, Vernon's Revised Civil Statutes, to provide that the said Court may transact its business either at the City of Galveston or the City of Houston; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 235 on Third Reading

Senator Schwartz moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 235 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Herring
Baker	Hudson
Calhoun	Kazen
Colson	Krueger
Creighton	Lane
Crump	Martin
Dies	Moffett
Fuller	Moore
Hardeman	Owen
Hazlewood	Parkhouse

Patman	Schwartz
Ratliff	Secrest
Reagan	Smith
Roberts	Willis
Rogers	

Absent—Excused

Gonzalez	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez	Weinert
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Senate Bill 250 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 250, A bill to be entitled "An Act validating the incorporation of cities and towns heretofore incorporated or attempted to be incorporated under the general laws of Texas and having a population according to the census of 1960 of not less than 5100 nor more than 5300; validating the boundary lines thereof; validating governmental proceedings; validating the adoption of Home Rule Charter; etc.; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill No. 250 by inserting the word "Federal" between the words "the" and "census" where they appear in said section.

The committee amendment was adopted.

Senator Schwartz offered the following committee amendment to the bill:

Amend Section 4 of Senate Bill No. 250 by inserting the word "such" between the words "any" and "city" where those words appear in the first sentence of Section 4.

The committee amendment was adopted.

On motion of Senator Schwartz and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 250 to engrossment.

Senate Bill 250 on Third Reading

Senator Schwartz moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 250 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent—Excused

Gonzalez Weinert

Senate Bill 407 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 407, A bill to be entitled "An Act amending Section 1 of Chapter 36, Acts of the 51st Legislature, 1st Called Session, 1950 (Compiled as Article 978n-1 of Vernon's Texas Penal Code), to bring Cochran County within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 407 to engrossment.

Senate Bill 407 on Third Reading

Senator Smith moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent—Excused

Gonzalez Weinert

Senate Bill 392 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 392, A bill to be entitled "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the 72nd, 140th and 99th Judicial Districts of Texas, and for County Court at Law No. 1

and County Court at Law No. 2, of Lubbock County, Texas, fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statements of facts and other fees, repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 392 on Third Reading

Senator Smith moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 392 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Schwartz

Secrest
Smith

Willis

Absent—Excused

Gonzalez

Weinert

Senate Bill 304 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 304, A bill to be entitled "An Act authorizing and directing the execution and delivery of a right-of-way easement to certain lands in Lubbock County, Texas, by the Board of Directors of Texas Technological College acting by its chairman, to the City of Lubbock, a municipal corporation of Lubbock County, Texas, for the construction, reconstruction, operation, maintenance and repair of underground and surface electric line and emergency fire alarm signal units in, under and across the campus of Texas Technological College; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 304 on Third Reading

Senator Smith moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 304 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez

Weinert

Senate Bill 293 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 293, A bill to be entitled "An Act authorizing certain cities to enter into contracts with districts established under Article XVI, Section 59 of the Constitution under which the district will supply to such city sewage transportation, treatment and disposal services which contracts may also provide for use by the district of sewage transportation, treatment and disposal facilities owned by such city; providing the revenues to be received by a district under such contract shall be used by the district for payment of principal of and interest on bonds issued by the district and for payment of expenses of the district and other purposes as provided in such contract; etc., and declaring an emergency.

The bill was read second time and was passed to engrossment.

Senate Bill 293 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 293 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin

Baker

Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

Senate Bill 294 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 294, A bill to be entitled "An Act relating to Tarrant County Water Control and Improvement District No. 1; etc., and declaring an emergency."

The bill was read second time.

Senator Willis offered the following committee amendment to the bill:

Amend Senate Bill 294 by adding a new section at the end of the Section 3 (b) to be known as Section 3-1, reading as follows:

"Sec. 3-1. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power heretofore or hereunder granted, makes necessary the relocation, raising, re-routing, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District."

The committee amendment was adopted.

On motion of Senator Willis and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 294 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 294 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

Senate Bill 381 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 381, A bill to be entitled "An Act amending Section 1 of Chapter 308, Acts of the 54th Legislature so as to change the name of the authority created: amending Section 2 of said chapter so as to include the cities of Haltom City, and Hurst, in the Northeast Tarrant County Water Authority; amending Section 6 of said chapter as amended so as to provide that dams and reservoirs shall be limited to the Denton Creek Watershed; amending Section 8 of said Chapter 308, Acts of the 54th Legislature to provide that certain notices may be published in a newspaper published in the authority; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 381 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 381 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Colson
Baker	Creighton
Calhoun	Crump

Dies	Owen
Fuller	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Martin	Smith
Moffett	Willis
Moore	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

Senate Bill 350 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 350, A bill to be entitled "An Act relating to filing fees for candidates for all State-wide elections, amending Article 32a and Sub-article (b) of Article 193 of the Election Code of Texas, 1951, as amended, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 350 on Third Reading

Senator Lane moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three

several days be suspended and that S. B. No. 350 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

Senate Concurrent Resolution 23 on
Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 23, Authorizing Board of Regents of University of Texas to

construct a building on Campus of Texas Medical Branch at Galveston.

The resolution was read and was adopted.

House Bill 396 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 396, Establishing a juvenile board in Morris County; prescribing the membership of the board and providing for the compensation of its members; providing who shall be the juvenile officer; providing compensation and expenses of the juvenile officers; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 396 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 396 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Colson
Baker	Creighton
Calhoun	Crump

Dies	Owen
Fuller	Parkhouse
Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Martin	Smith
Moffett	Willis
Moore	

Absent—Excused

Gonzalez Weinert

House Bill 632 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 632, Making it unlawful to kill deer in Morris and Camp Counties before November, 1963; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 632 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 632 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

House Bill 611 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 611, Relating to the hunting, taking, or killing of wild quail in Camp County; amending Section 1 of Chapter 67, Acts of the Fifty-second Legislature, Regular Session, 1951, by making it lawful to hunt, take, or kill wild quail in Camp County on any day except Sunday during a specified season; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 611 on Third Reading

Senator Calhoun moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 611 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hardeman
Baker	Hazlewood
Calhoun	Herring
Colson	Hudson
Creighton	Kazen
Crump	Krueger
Dies	Lane
Fuller	Martin

Moffett	Roberts
Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Willis
Reagan	

Absent—Excused

Gonzalez	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez	Weinert
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House Bill 633 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 633, Providing an open season when it shall be lawful to hunt, take or kill squirrels in Morris and Camp Counties; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 633 on Third Reading

Senator Calhoun moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 633 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez	Weinert
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House Bill 424 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 424, A bill to be entitled "An Act limiting the provisions of this Act to the County Burnet making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill, or possess, any game bird or game animal in said County at any time; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of H. B. No. 424 to third reading.

House Bill 424 on Third Reading

Senator Crump moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 424 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent—Excused

Gonzalez Weinert

House Bill 536 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 536, A bill to be entitled "An Act amending Chapter 469, Acts of the 56th Legislature, Regular Session, 1959, pertaining to the Valley Creek Water Control District of Nolan, Runnels and Taylor Counties; finding a benefit to all land and other property within the District, providing District was and is created to serve a public use and benefit, restating the field notes of the District without making any changes in the boundaries of the District nor including nor excluding any lands or other property; finding a closure and related matters; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 536 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 536 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

House Bill 476 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 476, To provide that the Commissioners' Court set the salaries of investigators, assistants and stenographers of the 30th Judicial District; amending Section 1 and 2 of Chapter 403, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 476 on Third Reading

Senator Moffett moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 476 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Fuller
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger

Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Schwartz
Owen	Secrest
Parkhouse	Smith
Patman	Willis
Ratliff	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

Senate Bill 330 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 330, A bill to be entitled "An Act creating a Hospital District for Ochiltree County, Texas, and providing for taxation, issuance of bonds, acceptance and receipt of existing facilities, assumption of liabilities, and obligations, by said Hospital District; etc.; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 330 by Hazlewood by striking everything below the enacting clause and substituting therefor the following:

Section 1. Upon the adoption of Ar-

title IX, Section 9, as a part of the Constitution of the State of Texas as proposed by S. J. R. No. 22 of the 57th Legislature, Regular Session, 1961, this Act shall be operative so as to authorize the creation, establishment, maintenance and operation of three hospital districts within the State of Texas, each district to have boundaries co-extensive with the boundaries of one of the following Counties, to-wit: Ochiltree, Hansford, and Castro; each of which districts shall have the powers and responsibilities provided by the aforesaid Constitutional provision.

Section 2. Each of the counties to which this Act applies may be constituted a Hospital District as hereinafter set out, and may take over the hospital or hospital system, either owned separately by a county or jointly with a city within such county, or may provide for the establishment of a hospital or hospital system to furnish medical and hospital care to needy persons residing in said Hospital District; provided, however, that such Hospital District shall not be created unless and until an election is duly held in such County for such purpose, which said election may be initiated by the Commissioners Court of each of such Counties upon its own motion or upon a petition of one hundred (100) resident qualified property taxpaying electors, to be held not less than thirty (30) days from the time said election is ordered by the Commissioners Court. At said election there shall be submitted to the qualified property taxpaying electors the proposition of whether or not a Hospital District shall be created in the county; and a majority of the qualified property taxpaying electors participating in said election voting in favor of the proposition shall be necessary. The ballots shall have printed thereon:

"FOR the creation of a Hospital District; providing for the levy of a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollars (\$100.00) valuation"; and

"AGAINST the creation of a Hospital District; providing for the levy of a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollars (\$100.00) valuation."

If such county or city located therein, either or both of them, has any outstanding bonds theretofore issued for hospital purposes (which by the

provisions of Section 7 of this Act are required to be assumed by the Hospital District), then the ballots for such election shall, instead of the foregoing, have printed thereon:

"FOR the creation of a Hospital District; providing for the levy of a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollars (\$100.00) valuation; and providing for the assumption by such District of all outstanding bonds heretofore issued by _____ County, and by any city in said county for hospital purposes"; and

"AGAINST the creation of a Hospital District; providing for the levy of a tax not to exceed Seventy-five Cents (75¢) on the One Hundred Dollars (\$100.00) valuation; and providing for the assumption by such District of all outstanding bonds heretofore issued by _____ County, and by any city in said county for hospital purposes";

Section 3. Within 10 days after such election is held the Commissioners' Court in such county shall convene and canvass the returns of the election, and if a majority of the qualified property taxpaying electors voting at said election voted in favor of the proposition, the Court shall so find and declare the hospital district established and created and appoint five (5) persons as Directors of the Hospital District to serve until the first Saturday in April following the creation and establishment of the District at which time five (5) directors shall be elected. The three (3) Directors receiving the highest vote at such first election shall serve for two (2) years, the other two (2) directors shall serve for one (1) year. Thereafter, all directors shall serve for a period of two years and until their successor has been duly elected or appointed and qualified. No person shall be appointed or elected as a member of the Board of Directors of said Hospital District unless he is a resident thereof and owns land subject to taxation therein and unless at the time of such election or appointment he shall be more than twenty-one (21) years of age. Each member of the Board of Directors shall qualify by executing the constitutional oath of office and shall execute a good and sufficient bond for One Thousand Dollars (\$1,000) payable to said District conditioned upon the faithful performance of his duties, and such oaths and bonds shall

be deposited with the depository bank of the district for safekeeping.

The Board of Directors shall organize by electing one (1) of their number as president and one (1) of their number as secretary. Any three (3) members of the Board of Directors shall constitute a quorum and a concurrence of the three (3) shall be sufficient in all matters pertaining to the business of the District. All vacancies in the office of Director shall be filled for the unexpired term by appointment of the remainder of the Board of Directors. In the event the number of Directors shall be reduced to less than three (3) for any reason, the remaining Directors shall immediately call a special election to fill said vacancies, and upon failure to do so a district court may, upon application of any voter or taxpayer of the district, issue a mandate requiring that such election be ordered by the remaining directors.

A regular election of directors shall be held on the first Saturday in April of each year and notice of such election shall be published in a newspaper of general circulation in the County one time at least ten (10) days prior to the date of election. Any person desiring his name to be printed on the ballot as a candidate for director shall file a petition, signed by not less than 100 qualified voters asking that such name be printed on the ballot, with the Secretary of the Board of Directors of the District. Such petition shall be filed with such Secretary at least twenty-five (25) days prior to the date of election.

Section 4. The management and control of each hospital district created pursuant to the provisions of this Act is hereby vested in the Board of Directors of the District who shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their official duties upon the approval of such expenses by the entire Board of Directors.

Section 5. Upon the creation of such hospital district, the Board of Directors shall have the power and authority and it shall be their duty to levy on all property subject to hospital district taxation for the benefit of the district at the same time taxes are levied for county purposes, using the county values and the county tax roll, a tax of not to exceed Seventy-five Cents (75¢) on the One Hundred Dol-

lars (\$100.00) valuation of all taxable property within the Hospital District, for the purpose of (1) paying the interest on and creating a sinking fund for bonds which may have been assumed or which may be issued by the Hospital District for hospital purposes as herein provided; (2) providing for the operation and maintenance of the hospital or hospital system; and (3) for the purpose of making further improvements and additions to the hospital system, and for the acquisition of necessary sites therefor, by purchase, lease or condemnation.

Not later than October 1 of each year, the Board of Directors shall levy the tax on all taxable property within the District which is subject to taxation and shall immediately certify such tax rate to the Tax Assessor and Collector of the County in which the District is located. The tax so levied shall be collected on all property subject to Hospital District taxation by the Assessor and Collector of Taxes for the county on the county tax values, and in the same manner and under the same conditions as county taxes. The Assessor and Collector of Taxes shall charge and deduct from payments to the Hospital District the fees for assessing and collecting the tax at the rate of not exceeding one (1%) per cent of the amounts collected as may be determined by the Board of Directors but in no event in excess of \$5,000 for any one fiscal year. Such fees shall be deposited in the county's general fund, and shall be reported as fees of office of the Tax Assessor and Collector. Interest and penalties on taxes paid to the Hospital District shall be the same as in the case of county taxes. Discounts shall be the same as for county taxes. The residue of tax collections, after deduction of discounts and fees for assessing and collecting, shall be deposited in the district depository; and such funds shall be withdrawn only as provided herein. All other income of the Hospital District shall be deposited in like manner with the district depository.

The Board of Directors shall have the authority to levy the tax aforesaid for the entire year in which the said Hospital District is established, for the purpose of securing funds to initiate the operation of the Hospital District, and to pay assumed bonds.

Section 6. The Board of Directors shall have the power and authority to

issue and sell as the obligations of such Hospital District, and in the name and upon the faith and credit of such Hospital District, bonds for the purchase, construction, acquisition, repair or renovation of buildings and improvement and equipping the same for hospital purposes and for any or all of such purposes; provided, that a sufficient tax shall be levied to create an interest and sinking fund to pay the interest and principal as same matures provided said tax together with any other taxes levied for said District shall not exceed Seventy-five Cents (75¢) in any one year. Such bonds shall be executed in the name of the Hospital District and on its behalf by the President of the Board of Directors, and countersigned by the Secretary of the Board of Directors, and shall be subject to the same requirements in the matter of approval thereof by the Attorney General of the State of Texas and the registration thereof by the Comptroller of Public Accounts of the State of Texas as are by law provided for such approval and registration of bonds of such county. Upon the approval of such bonds by the Attorney General of Texas the same shall be incontestable for any cause. No bonds shall be issued by such Hospital District (except refunding bonds) until authorized by a majority vote of the legally qualified property taxpaying electors, residing in such Hospital District, voting at an election called and held for such purpose. Such election may be called by the Board of Directors of its own motion, shall specify the place or places where the election shall be held, the presiding officers thereof, the purpose for which the bonds are to be issued, the amount thereof, maximum interest rate (not to exceed 6% per annum) and the maximum maturity date of such bonds not to exceed forty years from their date of issuance). Notice of election shall be given by publishing a substantial copy of the order calling the election in a newspaper of general circulation in such county once a week for 2 consecutive weeks prior to the date of election, the date of the first publication being at least 14 full days prior to the date set for the election. The costs of such election shall be paid by the Hospital District.

In the manner hereinabove provided, the bonds of such Hospital District may, without the necessity of any election therefor, be issued for the

purpose of refunding and paying off any bonded indebtedness theretofore assumed by such Hospital District and any bonds theretofore issued by such Hospital District; such refunding bonds may be sold and the proceeds thereof applied to the payment of any such outstanding bonds or may be exchanged in whole or in part for not less than a like amount of said outstanding bonds and interest matured thereon, but unpaid; provided the average interest cost per annum on the refunding bonds, computed in accordance with recognized standard bond interest cost tables, shall not exceed the average interest cost per annum so computed, upon the bonds to be discharged out of the proceeds of the refunding bonds, unless the total interest cost on the refunding bonds, computed to their respective maturity dates, is less than the total interest cost so computed on the bonds to be discharged out of such proceeds. In the foregoing computations, any premium or premiums required to be paid upon the bonds to be refunded as a condition to payment in advance of their stated maturity dates shall be taken into account as an addition to the net interest cost to the Hospital District of the refunding bonds.

If the County in which the district is located or any city within such county has voted bonds to provide hospital facilities, but such bonds have not been sold and delivered at the date of the creation of the Hospital District, the authority for such bonds shall be canceled and they shall not be sold.

Section 7: Any lands, buildings or equipment that may be jointly or separately owned by the county and city within the boundaries of the District and by which medical services or hospital care, including geriatric care, are furnished to needy persons of the city and county, shall become the property of the Hospital District; and title thereto shall vest in the Hospital; and any funds of such city and county, or either, which are the proceeds of any bonds assumed by the Hospital District, as hereby provided, shall become the funds of the Hospital District; and title thereto shall vest in the Hospital District; and there shall vest in the Hospital District and become the funds of the Hospital District the unspent portions of any funds theretofore set up or appropriated by budget or otherwise by such city or the county, or either of them, for the

support and maintenance of the hospital facilities for the year within which the Hospital District comes into existence, thereby providing such Hospital District with funds with which to maintain and operate such facilities for the remainder of such year. All obligations under contract legally incurred by such city or county, or either of them, for the building of, or the support and maintenance of, hospital facilities, prior to the creation of the said District but outstanding at the time of the creation of the District, shall be assumed and discharged by the Hospital District without prejudice to the rights of third parties, provided that the management and control of the property and affairs of the present hospital system shall continue in the Board of Managers of such system until appointment and organization of the Board of Directors of the Hospital District, at which time the Board of Managers of the present hospital system or systems shall turn over all records, property and affairs of said hospital system to the Board of Directors of the Hospital District and shall cease to exist.

Any outstanding bonded indebtedness incurred by such city or county, either or both of them, in the acquisition of such lands, buildings and equipment, or in the construction and equipping of such hospital facilities, together with any other outstanding bonds issued by either of them for hospital purposes, and the proceeds of which are in whole or in part still unspent, shall be assumed by the Hospital District and become the obligation of the Hospital District; and the city or county, either or both of them, that issued such bonds, shall be by the Hospital District relieved of any further liability for the payment thereof, or for providing interest and sinking fund requirements thereon; provided that nothing herein contained shall limit or affect any of the rights of any of the holders of such bonds against the city or the county, as the case may be, in the event of default in the payment of the principal or interest on any of such bonds in accordance with their respective terms.

The Commissioners' Court and the City, where a hospital or hospital system is jointly operated, or the Commissioners' Court, where the county owns the hospital or hospital system, as the case may be, as soon

as the Hospital District is created and authorized at the election hereinabove provided, and there have been appointed and qualified the Board of Hospital Managers as hereinbefore provided, shall execute and deliver to the Hospital District, to-wit: to its said Board of Directors, an instrument in writing conveying to said Hospital District the hospital property, including lands, buildings and equipment; and shall transfer to said Hospital District the funds hereinabove provided to become vested in the Hospital District, upon being furnished the certificate of the Chairman of the Board to the fact that a depository for the District's funds has been selected and has qualified; which funds shall, in the hands of the Hospital District and of its Board of Directors be used for all or any of the same purposes as, and for no other purposes than, the purposes for which the county or the city transferring such funds could lawfully have used the same had they remained the property and funds of such county or city.

Section 8: The Board of Directors of such District shall have the power to prescribe the method and manner of making purchases and expenditures by and for such Hospital District, and also shall prescribe all accounting and control procedures; the method of purchasing necessary supplies, materials and equipment; and shall have the power to adopt a seal for such district; and may employ a general manager, attorney, bookkeeper and architect.

All books, records, accounts, notices and minutes and all other matters of the district and the operation of its facilities shall, except as herein provided, be maintained at the office of the District and there be open to public inspection at all reasonable hours.

The Board of Directors is specifically empowered to adopt rules and regulations governing the operation of such district and its facilities which rules and regulations shall supplement but shall not contravene any of the provisions of this Act. Such rules and regulations may, upon approval of the Board of Directors, be published in booklet or pamphlet form at the expense of the district and may be made available to any taxpayer upon request.

Section 9: The fiscal year of the hospital districts authorized to be established by the provisions hereof

shall commence on October 1 of each year and end on the 30th day of September of the following year. The District directors shall cause an annual independent audit to be made of the books and records of the district, such audit to be made covering such fiscal year, and the same shall be filed with the Comptroller of Public Accounts of the State of Texas and at the office of the District not later than December 31st of each year.

The Board of Directors shall each year cause a budget to be prepared showing the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year and shall hold a public hearing on the proposed budget after publication of a notice of hearing in a newspaper of general circulation in the County at least once not less than 10 days prior to the date set for the hearing. Any person who is a taxpayer of the district shall have the right to appear at the time and place designated in the notice and be heard with reference to any item shown in the proposed budget. The proposed budget shall also show the amount of taxes required to be levied and collected during such fiscal year and upon final approval of the budget, the Board of Directors shall levy such tax as may be required and certify the tax rate for such year to the County Tax Assessor and Collector as provided in Section 5 hereof, and it shall be the duty of the said Tax Assessor and Collector to assess and collect such tax.

Section 10. A Hospital District organized in pursuance of this Act shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind or character, real, personal or mixed, or any interest therein, including outright ownership of such property in fee simple absolute, within the boundaries of the said District, necessary or convenient to the exercise of the rights, power, privileges and functions conferred upon it by this Act, in the manner provided by General Law with respect to condemnation; provided that the said District shall not be required to make deposits in the registry of the trial court of the sum required by Paragraph Numbered 2 in Article 3268. V.C.A., 1925, or to make the bond required therein. In condemna-

tion proceedings being prosecuted by the said District, the District shall not be required to pay in advance or to give bond or other security for costs in the trial court, nor to give any bond otherwise required for the issuance of a temporary restraining order or a temporary injunction relating to a condemnation proceeding, nor to give bond for costs or for supersedeas on any appeal or writ of error proceeding to any Court of Civil Appeals, or to the Supreme Court.

Section 11. Within 30 days after appointment and qualification of the Board of Directors of a Hospital District, the said directors shall by resolution designate a bank or banks within the county in which the District is located as the District's depository or Treasurer and all funds of the district shall be secured in the manner now provided for the security of county funds. The depository shall serve for a period of two (2) years and until a successor has been named.

Section 12. All Hospital Districts established or maintained under provisions of this Act shall be subject to inspection by any duly authorized representative of the State Board of Health or any State Board of Charities (or Public Welfare) that may hereafter be created, and resident officers shall admit such representatives into all Hospital District facilities and give them access on demand to all records, reports, books, papers and accounts pertaining to the Hospital District.

Section 13. Except as herein provided, no county that has been constituted a Hospital District, and no city therein, shall thereafter levy any tax for hospital purposes; and such Hospital District shall be deemed to have assumed full responsibility for the furnishing of medical and hospital care for the needy and indigent persons residing in said Hospital District from the date that taxes are collected for the Hospital District.

That portion of delinquent taxes owed cities and counties on levies for present city and county hospital systems under Acts 48th Legislature, 1943, Chapter 383, page 691, shall continue to be paid to the Hospital District by the City and County as collected, and applied by the Hospital District to the purposes for which such taxes originally were levied.

Section 14. Whenever a patient has been admitted to the facilities of the Hospital District from the county in

which the District is situated, the Directors shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are liable to pay for his care and treatment in whole or in part, an order shall be made directing such patient, or said relatives, to pay to the treasurer of the Hospital District for the support of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance. The District shall have power and authority to collect such sums from the estate of the patient, or his relatives legally liable for his support, in the manner provided by law for the collection of expenses of the last illness of a deceased person. If the agent designated by the District to handle such affairs finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, the same shall become a charge upon the Hospital District. Should there be a dispute as to the ability to pay, or doubt in the mind of the person designated as aforesaid, the District's Directors shall hear and determine same, after calling witnesses, and shall make such order as may be proper, from which appeal shall lie to the District Court by either party to the dispute.

Section 15. The County in which the Hospital District is located and which has the same boundaries of such hospital district may levy and collect a tax of 10¢ on the one hundred dollars valuation of property in such county to aid in the operation of the district or the payment of the debts of such district, such tax to be in addition to other taxes permitted by the Constitution of Texas to be levied, all as provided in the aforesaid Constitutional provision authorizing the creation of hospital districts for Ochiltree, Hansford and Castro Counties; and such county and hospital district may contract whereby the district will assume all obligations of the County in respect to care of indigents within such county in exchange for such funds of the County. No such contract shall extend for a period in excess of five years, but may be renewed for a similar term or terms upon conditions satisfactory to the contracting parties, and during the term that the

hospital district assumes all responsibilities, obligations and liabilities of the county, no tax may be levied by the county other than as specified herein.

Section 16. Said Board of Directors of the Hospital District is authorized on behalf of said Hospital District to accept donations, gifts and endowments for the Hospital District to be held in trust and administered by the Board of Directors for such purposes and under such directions, limitations, and provisions as may be prescribed in writing by donor, not inconsistent with proper management and objects of Hospital District.

Section 17: All bonds issued by or assumed by the districts authorized to be established and created under the provisions of this Act shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for deposits to the extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

Section 18: All hospital districts created under the provisions of this Act shall be and are declared to be political subdivisions of the State of Texas, and as a governmental agency may sue and be sued in any and all courts of this State in the name of such District.

Section 19: Nothing in this act shall be construed to violate any provision of the Federal or State Constitutions, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the district shall have the power by resolution to provide an alternative procedure conformable with such Constitutions. If any provision of this Act should be invalid, such fact shall not affect the authorization for the creation of the districts or the validity of any other provision of this Act, and the Legislature here declares that it would have created the district and enacted the valid provisions of this Act notwithstanding the invalidity of

any other provision or provisions hereof.

Section 20: The fact that the hospital districts authorized to be created and established under the provisions of this Act are for the promotion of the public welfare of the inhabitants of this State and the procedure for the creation thereof should be established at an early date create an emergency and imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall be in force from and after its passage and it is so enacted.

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. 330 by Hazlewood by striking everything above the enacting clause and inserting in lieu thereof the following:

**A BILL
TO BE ENTITLED**

AN ACT providing for the creation of county wide hospital districts in the Counties of Ochiltree, Hansford and Castro; providing for an election in the County in question to create a county wide hospital district; providing for the levy of a tax for the district for the purpose of maintaining and operating the district, paying indebtedness assumed by such district and bonds issued by the district; providing for the issuance of bonds by the district for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and for any and all such purposes and for refunding bonds and prescribing limitations on such power; providing bonds issued or assumed by a district shall be lawful investments and collateral for certain funds; providing for the transfer of title to any land, building, or equipment to such district by a county that owns or operates a hospital or hospital system or by a county and city that jointly operates a hospital or hospital system, or by a city within such district that operates a hospital or hospital system; providing for the assumption of any bonds outstanding that may

have been issued by a county or city within such district for hospital purposes; providing for the selection of a governing body of such hospital district, their tenure of office and powers and duties in carrying out the provisions of the Act; prescribing a procedure for the adoption of a budget, the selection of a depository and the power of eminent domain which power is conferred upon the district; prescribing a fiscal year; withdrawing authority for the sale of bonds for hospital purposes by a city or county located within the district established; prohibiting the levy of taxes by a city for hospital purposes and restricting the powers of county in question where a district is established to levy taxes for the care of indigents under certain circumstances; providing a severance clause and declaring an emergency.

The amendment was adopted.

The bill as amended was passed to engrossment.

Senate Bill 330 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 330 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

Senate Bill 413 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 413, A bill to be entitled "An Act providing certain supplemental salary for the District Attorney of the 31st Judicial District; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 413 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No 413 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Gonzalez Weinert

Senate Resolution 262

Senator Kazen offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Government Class of Alamo Heights High School of San Antonio, accompanied by their teacher and sponsor, Miss Johnnie McCaughan, Mrs. Cleveland, and Mrs. Brouillette; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

GONZALEZ
KAZEN

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented the students, their teachers and sponsors to the Members of the Senate.

Conclusion of Session for Consideration of Local and Uncontested Bills Calendar

The Presiding Officer (Senator Hardean in the Chair) announced that the session for the Consideration of the Local and Uncontested Bills Calendar was concluded.

At Ease

The Presiding Officer announced at 10:05 o'clock a.m. that the Senate would stand At Ease until 10:20 o'clock a.m. today.

In Legislative Session

The President called the Senate to order as In Legislative Session at 10:20 o'clock a.m. today.

**Committee Substitute
Senate Bill 230 on Second Reading**

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 230, A bill to be entitled "An Act relating to the conservation, storage and ownership of natural gas, and granting the right of eminent domain in underground reservoirs for the injection and storage of natural gas therein and the withdrawal of natural gas therefrom by any natural gas public utility or natural gas pipeline engaged in either or both the transportation or distribution of natural gas; providing for the procedure therefor; providing a non-litigation clause; providing for the reversion of the underground reservoir to the owners of the land and mineral and royalty interests; providing for the payment of royalty interest on oil produced and saved from lands covered by underground gas storage operations; providing for the ownership of gas injected in storage; exempting common reservoirs producing both sweet and sour gas; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time.

Senator Crump offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 230 by deleting all of Section 9 of said Bill and insert in lieu thereof the following:

"Section 9. It is hereby provided that such natural gas public utility or natural gas pipeline so condemning such sand, formation or stratum shall pay to the mineral or royalty owners, computed on an acreage basis, an amount equal to, not less than, the usual and customary one-eighth ($\frac{1}{8}$) royalty on that portion of the oil condensates produced and saved in the field from the sand, formation or stratum in and under the lands covered by such underground gas storage operations."

The amendment was adopted.

Senator Crump offered the following amendment to the bill:

Amend Committee Substitute for S. B. 230 by striking out all of Section 4, Subsection 1 d, and substituting in lieu thereof the following:

d. No rights or interests in existing underground gas reservoirs, being used for the injection, storage or withdrawal of natural gas, owned or operated by a natural gas public utility or natural gas pipeline as defined in this Act, other than the natural gas public utility or natural gas pipeline owning the same, shall be subject to appropriation hereunder.

The amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Committee Substitute
Senate Bill 230 on Third Reading**

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin

Baker

Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Patman

Absent

Fuller

Martin

Absent—Excused

Gonzalez

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the final passage of C. S. S. B. No. 230.

House Concurrent Resolution 57
on Second Reading

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 57, Suspending the Joint Rules to permit each House to adjourn from Thursday, March 30, 1961, to Wednesday, April 5, 1961.

The resolution was read.

Senator Lane offered the following amendment to the resolution:

Amend H. C. R. No. 57 by striking out all of paragraph 5 thereof.

The amendment was adopted.

The resolution, as amended, was then adopted.

Record of Votes

Senators Moffett and Colson asked

to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Bill 131 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 131, A bill to be entitled "An Act amending Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, codified as the Insurance Code, Vernon's Texas Civil Statutes, by adding thereto a new chapter designated as 'Chapter Twenty-two'; permitting the organization of stipulated premium life insurance companies, or stipulated premium accident companies, or stipulated premium life, health and accident insurance companies; prescribing the method of organization; requiring initial capital of at least \$15,000.00 and initial surplus of \$7,500.00; regulating the investments in which such capital and initial surplus may be made; etc., and declaring an emergency."

The bill was read second time.

Senator Crump offered the following committee amendment to the bill:

Amend Senate Bill 131 by striking out all of the same below the enacting clause and substituting in lieu thereof the following:

Section 1. Amend Acts, 1951, 52nd Legislature, Regular Session, Chapter 491, codified as the Insurance Code, Vernon's Texas Civil Statutes, by adding a new chapter thereto designated as "Chapter Twenty-two," reading as follows:

"Art. 22.01. Who May Incorporate.

"Section 1. Any five (5) or more, but not to exceed thirty-five (35), citizens of this State may associate themselves for the purpose of forming a stipulated premium life insurance company or a stipulated premium accident insurance company or a stipulated premium life and accident, health and accident, or life, health and accident insurance company. In order to form such a company, the corporators shall sign and acknowledge its articles of incorporation and file the same in the office of the State Board of Insurance. Such articles shall specify:

1. The name and place of residence

of each of the incorporators;

2. The name of the proposed company, which shall contain the words "Insurance Company" as a part thereof, and the name selected shall not be so similar to the name of any other insurance company as to be likely to mislead the public;

3. The location of its home office;

4. The kind or kinds of insurance business it proposes to transact;

5. The amount of its capital stock, not less than Fifteen Thousand Dollars (\$15,000.00); all of which capital stock must be fully subscribed and paid up and in the hands of the incorporators before said articles of incorporation are filed. Such stipulated premium insurance company shall not be incorporated unless at the time of incorporation such company is possessed of at least Seven Thousand Five Hundred Dollars (\$7,500.00) surplus, in addition to its capital; provided the amount of such surplus need not be stated in its articles or incorporation. Such minimum capital and surplus shall, at the time of incorporation, consist only of lawful money of the United States or bonds of the United States or of this State or of any county or incorporated municipality thereof, or government insured mortgage loans which are otherwise authorized by this chapter; and shall not include any real estate; provided, however, fifty per cent (50%) of the minimum capital may be invested in first mortgage real estate loans. After the granting of charter, the surplus may be invested as otherwise provided in this Chapter. Notwithstanding any other provisions of this Chapter, such minimum capital shall at all times be maintained in cash or in the classes of investments described in this article;

6. The period of time it is to exist, which shall not exceed five hundred (500) years;

7. The number of shares of such capital stock;

8. Such other provisions not inconsistent with the law as the incorporators may deem proper to insert therein.

"Section 2. Every stipulated premium company incorporated or transacting business in this State shall be subject to the provisions of this Chapter 22, unless otherwise expressly provided by this Code and no other insurance law of this State shall apply to any corporation chartered under this Chapter and no law hereafter en-

acted shall apply to stipulated premium companies unless they be expressly designated therein.

"Art. 22.02. Shares of Stock.

"The stock of any stipulated premium company shall be of par value. Each share shall be for not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). Such stipulated premium companies may issue and dispose of their authorized shares having a par value for money or those notes, bonds and mortgages, of which Art. 22.01 of this Chapter authorizes for minimum capital and such shares shall thereafter be non-assessable. In the event all of the shares of stock, authorized by the original charter or any amendment, are not subscribed and paid for at the time the original charter is granted, or the amendment is filed, then when such remaining shares of stock are sold and issued, the company shall file with the State Board of Insurance, within ninety (90) days after the issuance of such shares, a certificate authenticated by a majority of the directors setting forth the number of shares so issued and the actual consideration received by the company for such shares.

"Art. 22.03. Application, Charter and Organization.

"Section 1. As a condition precedent to the granting of a charter of any such company, the incorporators shall file with the State Board of Insurance the following:

1. An application for charter on such form and including therein such information as may be prescribed by the Board;

2. The articles of incorporation as provided in this Code;

3. An affidavit made by two (2) or more of its incorporators that all of the stock has been subscribed in good faith and fully paid for, as required by law, in the amount of not less than Fifteen Thousand Dollars (\$15,000.00) capital and that such company is possessed of at least Seven Thousand Five Hundred Dollars (\$7,500.00) surplus, as required by law, in addition to its capital, which affidavit shall state that the facts set forth in the application and the articles of incorporation are true and correct and that the capital and surplus is the bona fide property of such company. The State Board of Insurance may, in its discretion, at the expense of the incorporators, require other and additional satisfactory evi-

dence of the matters required to be set forth in said affidavit before it shall be required to file the articles of incorporation, application for charter or follow the procedure herein-after set forth;

4. A charter fee of Twenty-five Dollars (\$25.00).

"Section 2. When such application for charter, articles of incorporation, affidavit, and charter fee are filed with the State Board of Insurance, the Board may set a date for a public hearing of the same, which date shall be not less than ten (10) nor more than thirty (30) days after the date of notice thereof. The Board shall notify in writing the person or persons submitting such application of the date for such hearing and shall furnish a copy of such notice to the Attorney General of Texas and to all interested parties, including any parties who have theretofore requested a copy of such notice. The Board shall, at the expense of the incorporators, publish a copy of such notice in any newspaper of general circulation in the county of the proposed home office of said company. In all such public hearings on such applications, a record shall be made of such proceedings, and no such application shall be granted except when same is adequately supported by competent evidence. Any interested party shall have the right to oppose or support the granting or denial of such application and may intervene and participate fully and in all respects in any hearing or other proceeding had on any such application. Any such intervenor shall have and enjoy all the rights and privileges of a proper or necessary party in a civil suit in the courts of this State, including the right to be represented by counsel.

"Section 3. In considering any such application the Board shall, within thirty (30) days after public hearing, determine whether or not:

(a) The minimum capital and surplus as required by law is the bona fide property of the company;

(b) The proposed officers, directors and managing executives have sufficient insurance experience ability and standing to render success of the proposed company probable;

(c) The applicants are acting in good faith.

"Section 4. If the Board shall determine by an affirmative finding any of the above issues adversely to the applicants, it shall reject the applica-

tion in writing, giving the reason therefor. Otherwise, the Board shall approve the application and submit such application, together with the articles of incorporation and the affidavit, to the Attorney General for examination. If the application, articles of incorporation, the affidavit and the procedure and action thereon shall be found by the Attorney General to be in accordance with the law of this State, he shall attach thereto his certificate to that effect, whereupon all such documents shall be deposited with the Board. Upon receipt by the Board of such documents so certified by the Attorney General, the Board shall record the same in a book kept for that purpose, and upon receipt of a fee of One Dollar (\$1.00), it shall furnish a certified copy of the same to the incorporators, upon which they shall become a body politic and corporate and may proceed to complete the organization of the company, for which purpose they shall forthwith call a meeting of the stockholders who shall adopt by-laws for the government of the company, and elect a Board of Directors, not less than five (5), composed of stockholders; which board shall have full control and management of the affairs of the corporation, subject to the by-laws thereof as adopted or amended from time to time by the stockholders or directors, and to the laws of this State. The Board of Directors so elected shall serve until the second Tuesday in September thereafter, on which date, annually thereafter, there shall be held a meeting of the stockholders at the home office, and a Board of Directors elected for the ensuing year. If the stockholders fail to elect directors at any such annual meeting, directors may be elected at a special meeting of the stockholders called for that purpose. The directors shall choose a President from their own number, and all other officers shall be chosen in accordance with the by-laws of the company, and none of such officers need be either a director or a stockholder except as required by the by-laws of such company. The duties and compensation of officers of such company shall be in accordance with the by-laws of the company, or, to the extent of the absence of provisions governing the same in the by-laws, then the duties and compensation of officers shall be defined and fixed by the directors. The directors shall keep a

full and correct record of their transactions to be open during business hours to the inspection of stockholders. The directors shall fill any vacancy which occurs in the Board or in any office of such company. A majority of the Board shall be a quorum for the transaction of such business. At all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock fully paid up appearing in his name on the books of the company, which vote may be given in person or by written proxy. The majority of the paid up capital stock at any meeting of the stockholders shall be a quorum.

"At any regular or called meeting of the stockholders, they may, by resolution, provide for any lawful amendment to the charter or articles of incorporation; and such amendment, accompanied by a copy of such resolution duly certified by the President and Secretary of the company, shall be filed and recorded in the same manner as the original charter, and shall thereupon become effective. Stockholders representing a majority of the capital stock of any such company may in such manner also increase or reduce the amount of its capital stock. The capital stock shall in no case be reduced to less than the minimum amount of fully paid up capital stock required by applicable provisions of law. A statement of any such increase or reduction shall be signed and acknowledged by two officers of the company and filed and recorded along with the certified copy of the resolution of the stockholders provided therefor in the same manner as the charter of amendment thereto. For any such increase or reduction, the company may require the return of the original certificates as other evidence of stock in exchange for new certificates issued in lieu thereof. The shares of stock of such company shall be transferable on its books, in accordance with law and the by-laws of the company, by the owner in person or his authorized agent. Every person becoming a stockholder by such transfer shall succeed to all rights of the former holder of the stock transferred, by reason of such ownership.

"Art. 22.04. Amendment of Charter.

"At any regular or called meeting of the stockholders, they may, by resolution, provide for any lawful amendment to the charter or articles of incorporation; and such amend-

ment, accompanied by a copy of such resolution duly certified by the President and Secretary of the Company, shall be filed and recorded in the same manner as the original charter, and shall thereupon become effective. Stockholders representing a majority of the capital stock of any such company may in such manner also increase or reduce the amount of its capital stock. The capital stock may in no case be reduced to less than One Hundred Thousand Dollars (\$100,000.00) except for the purpose of avoiding insolvency as provided in Art. 22.12 of this Chapter, but in such event never less than Fifteen Thousand Dollars (\$15,000.00). A statement of any such increase or reduction shall be signed and acknowledged by two officers of the company and filed and recorded along with the certified copy of the resolution of the stockholders provided therefor in the same manner as the charter amendment thereto. For any such increase or reduction, the company may require the return of the original certificates as evidence of stock in exchange for new certificates transferable on its books, in accordance with this chapter and the by-laws of the company, by the owner in person or his authorized agent. Every person becoming a stockholder by such transfer shall succeed to all rights of the former holder of the stock transferred, by reason of such ownership.

"Art. 22.05. Original Examination and Certificate.

"When the first meeting of the stockholders shall be held and the officers of the company elected, the President or Secretary shall notify the State Board of Insurance and such Board shall thereupon immediately make or cause to be made at the expense of the company a full and thorough examination thereof. If it finds that all of the capital stock of the company amounting to not less than the minimum amount required by law has been fully paid up and is in the custody of the officers either in cash or securities of the class such companies are authorized by this chapter to invest or loan their funds, it shall issue forthwith to such stipulated premium company a temporary certificate of authority limiting the activities of such stipulated premium company solely to the negotiating and obtaining a reinsurance agreement with a company chartered prior to

January 1, 1961, doing business under the provisions of Chapter 14 of the Insurance Code of Texas. Such certificate of authority shall terminate twelve (12) months from its date, unless renewed by the State Board of Insurance for an additional period of twelve (12) months, provided that such stipulated premium company has not theretofore consummated a reinsurance agreement with such a company doing business under the provisions of Chapter 14 of the Insurance Code.

"Before such temporary certificate of authority is issued, not less than two (2) officers of such company shall execute and file with the State Board of Insurance a sworn schedule of all the assets of the company exhibited to the Board upon such examination showing the value thereof, together with a sworn statement that the same are bona fide, the unconditional and unencumbered property of the company, and are worth the amount stated in such schedule.

"In the event a reinsurance agreement be not so consummated within such twelve (12) months period, unless renewed by the State Board of Insurance for an additional period of twelve (12) months, the certificate of authority shall automatically terminate and the incorporators of such stipulated premium company shall forthwith surrender its charter to the State Board of Insurance for cancellation.

"In the event a reinsurance agreement as provided in this chapter is consummated with such a company doing business under the provisions of Chapter 14 of this Code, the State Board of Insurance shall forthwith and in accordance with the provisions of Art. 22.15 of this Code issue to such a company a regular certificate of authority to transact business in the same territory as previously permitted by such Chapter 14 company whose policies have been reinsured by the stipulated premium company. Likewise, such certificate of authority shall provide for the type of insurance business which may be written by the stipulated premium company; if the Chapter 14 company was engaged in the life business or was a burial association, the stipulated premium company shall be entitled and authorized to write life insurance policies as regulated by the provisions of this chapter, and if the Chapter 14 company was permitted by its charter

to write accident insurance, or health and accident, or life, health and accident insurance, then the stipulated premium company shall be so permitted.

"As such stipulated premium company thereafter reinsures additional Chapter 14 companies chartered prior to January 1, 1961, its regular certificate of authority shall be amended to extend its territory to include the territory of any other such Chapter 14 company assumed and shall also have authority to write any type of insurance coverage of any such Chapter 14 company whose policies are so assumed by the stipulated premium company.

"Art. 22.06. Shall File Annual Statement.

"Each stipulated premium company shall after the first day of January of each year and before the first day of April prepare under oath of two (2) of its officers and deposit in the office of the State Board of Insurance a statement accompanied with the fee for filing annual statements of Twenty Dollars (\$20.00) showing the condition of the stipulated premium company on the 31st day of December next preceding, which shall include a statement in detail showing the character of its assets and liabilities on that date, the amount and character of business transacted, monies received, and how expended during the year, and the number and amount of its policies in force on that date and the total amount of its policies in force, except that insureds under family group policies as defined in Art. 22.11, Section 1(b) of this Code will be accounted for only if a reserve is required as to such insured under said Art. 22.11, Section 1(b). The form of such annual statement shall be prepared and determined by the State Board of Insurance.

"Art. 22.07. May Reinsure; Required Reinsurance.

"Section 1. Any stipulated premium company may reinsure on an individual indemnity policy basis with any legal reserve company authorized to write life, health and accident insurance in this State having a capital and surplus or surplus of at least Two Hundred Thousand Dollars (\$200,000.00) any risk or part of a risk which the stipulated premium company may issue or assume, and upon such reinsurance proper credit therefore may be taken against the aggre-

gate reserves required by Art. 22.11 of this Chapter.

"Section 2. Until the surplus of any stipulated premium company is at least Fifty Thousand Dollars (\$50,000.00), no such stipulated premium company shall insure any life for more than One Thousand Dollars (\$1,000.00) in the event of death from natural causes nor more than Two Thousand Dollars (\$2,000.00) in the event of death from accidental causes, unless such stipulated premium company reinsures the amount of coverage above One Thousand Dollars (\$1,000.00) in the event of natural death and the amount of coverage above Two Thousand Dollars (\$2,000.00) in the event of accidental death with a legal reserve company authorized to write life, health and accident insurance in this State having a capital and surplus or surplus of at least Two Hundred Thousand Dollars (\$200,000.00); provided, however, the provisions of this Section of this Art. 22.07 shall not apply to policies of insurance assumed by a stipulated premium company pursuant to the provisions of Art. 22.15 of this Chapter.

"Art. 22.08. Dividends; How Paid.

"No stipulated premium company shall declare or pay any dividends to its stockholders except from the profits made by said company not including surplus arising from the sale of stock, and shall pay no dividends except stock dividends until: (a) the capital of said stipulated premium company shall be at least One Hundred Thousand Dollars (\$100,000.00); (b) the deficiency reserve as permitted by this Chapter has been retired; and (c) capital of said stipulated premium company is maintained at not less than One Hundred Thousand Dollars (\$100,000.00). Thereafter cash dividends may be paid in accordance with this Chapter.

"Art. 22.09. Compensation of Officers and Others; Including Pensions.

"(a) No stipulated premium company shall pay any salary, compensation or emolument to any officer, trustee, or director thereof, nor any salary, compensation or emolument amounting in any year to more than Ten Thousand Dollars (\$10,000.00) to any person, firm or corporation, unless such payment be first authorized by a vote of the Board of Directors of such company, or by a committee of such Board charged with the duty of authorizing such payments. The limitation as to time contained herein

shall not be construed as preventing any stipulated premium company from entering into contracts with its agents for the payment of renewal commissions.

"(b) The stockholders of any such stipulated premium company may authorize the inauguration of a plan or plans for the payment of pensions, retirement benefits or group insurance to its officers and employees. The stockholders may delegate to the Board of Directors authority and responsibility for the preparation, inauguration, putting into effect, final approval and administration of any such plan or plans or any amendments thereof.

"Art. 22.10. To Deposit Funds in Name of Company.

"Any director, member of a committee, or officer, or any clerk of a stipulated premium company, who is charged with the duty of handling or investing its funds, shall not deposit or invest such funds, except in the corporate name of such company; shall not borrow the funds of such company; shall not be interested in any way in any loan, pledge, security or property of such company, except as stockholder; shall not take or receive to his own use any fee, brokerage, commission, gift or other consideration for, or on account of, a loan made by or on behalf of such company.

"Art. 22.11. Reserves.

"Section 1. (a) Each stipulated premium individual life policy shall be reserved and each stipulated premium company shall maintain reserves on such individual life policies in accordance with any reserve standards adopted by the company and approved by the State Board of Insurance, provided such reserves are at least equal, in the aggregate, to reserves based on the 1956 Chamberlain Reserve Table with not to exceed three and one-half per cent (3½%) per annum. Any stipulated premium company is hereby authorized to use the 1956 Chamberlain Reserve Table.

(b) Family group life policies, upon which a group premium is charged and under which there is a varying benefit dependent upon the sequence of deaths, shall be reserved and each stipulated premium company shall, at the election of the stipulated premium company, maintain reserves on such family group policies in either one of the following methods of calculation: (1) The reserves shall be equal to

the reserves which would be required, in accordance with the provisions of this Section on individual life policies on the lives of the then living two (2) oldest members of each such family group; the amount of insurance for such two (2) members shall be based on the assumption that the elder of such members will be the first to die; or (2) The reserves shall be equal to the reserves which would be required, in accordance with the provisions of this Section on individual life policies on the lives of the then living members of such family group; the amount of insurance for each such member of the family group shall be based on the assumption that each such member will be the first to die. Each such stipulated premium company shall be permitted to select the method it shall use to calculate such reserves.

"Section 2. All health, accident and sickness policies shall be reserved by the stipulated premium company and each stipulated premium company shall maintain reserves on such policies in the same manner as is required by the companies writing such coverage under the provisions of Chapter 3 of the Insurance Code of Texas, except that an unearned premium reserve shall not be required to be maintained during the first policy year.

"Section 3. (a) On all policies of a Chapter 14 company assumed under a reinsurance agreement as in this chapter provided by a stipulated premium company, such stipulated premium company shall at the effective date of such reinsurance agreement calculate the amount of the required reserves in accordance with the provisions of this Article and shall also calculate and determine the amount of the net assets transferred to the stipulated premium company under such reinsurance agreement. In the event the net assets of the Chapter 14 company are insufficient to equal the amount of the required reserve, the difference shall be designated and carried as a deficiency reserve. Such deficiency reserve shall be allowed without creating the insolvency of the stipulated premium company, but the stipulated premium company must reduce said deficiency so determined by at least ten per cent (10%) thereof during each year following the date of the reinsurance agreement, but commencing such reduction as to the

next succeeding annual statement filing date so that at the date of the eleventh annual statement filing date after the effective date of said reinsurance agreement, the deficiency reserve will be fully paid and satisfied, together with assumed rate of interest thereon; provided, however, that such required reduction in the deficiency reserve shall never exceed the cumulative aggregate amount of ten per cent (10%) per annum.

(b) In the event the annual required reduction of the deficiency reserve is not accomplished as of December 31st of each year involved, the Board of Directors of the stipulated premium company shall by appropriate action increase rates by advancing the age of the insureds at issue date, or by some other equitable rate adjustment, so as to correct the failure to reduce the amount of the deficiency. In the event of the failure of the Board of Directors of the stipulated premium company to so act within thirty (30) days following the calculation of reserves, the stipulated premium company shall be dealt with in accordance with this chapter as if it were insolvent.

"Section 4. The State Board of Insurance as soon as practical in each year after the 31st day of December of each calendar year shall compute or cause to be computed the reserve liability, with allowance for the permissive deficiency reserve, in accordance with the reserve and interest table assumed by the policies as of the 31st day of December for each stipulated premium company which has outstanding policies of insurance on the lives of persons and citizens of this State. In making such computation, the said Board may use group methods and approximate averages for fractions of a year or otherwise. Such reserve liability shall be computed upon the net premium basis in accordance with the reserve table and interest rate adopted by the stipulated premium company and approved by the State Board of Insurance and such reserve liability may be calculated on not more than a one-year preliminary term basis.

"Section 5. Having determined the required reserve on all policies in force, but excluding the permissive deficiency reserves as by this Article authorized, the State Board of Insurance shall require that the stipulated premium company has in securities of

the class and character required by the laws of this State the amount of said reserves less the permissive deficiency reserves after all the debts and claims against it and the minimum capital required by this Chapter have been provided.

"Section 6. In the event the stipulated premium company does not have the required reserves, less any permissive deficiency reserve, plus the minimum capital required by this Chapter, the Board of Directors of the stipulated premium company shall by appropriate action increase rates on policies in force by advancing the age of the insureds at issue date or by some other equitable rate adjustment so as to correct such reserve inadequacy. In the event of the failure of the Board of Directors of the stipulated premium company to so act within thirty (30) days following the calculation of reserves as of the date in this Chapter provided, the stipulated premium company shall be dealt with in accordance with this Chapter as if it were insolvent under the provisions of Art. 22.12 of this Chapter.

Section 7. Premiums charged on all life policies issued by stipulated premium companies shall be at least equal to the renewal net premium calculated in accordance with the reserve standard adopted by the stipulated premium company and approved by the State Board of Insurance."

"Art. 22.12. Impairment of Capital Stock.

"Any stipulated premium company transacting business within this State, whose capital stock shall become impaired to the extent of thirty-three and one-third per cent ($33\frac{1}{3}\%$) thereof, computing its liabilities in the manner provided for in this Chapter of this Code, shall make good such impairment within sixty (60) days by: (a) a reduction of its capital stock (provided such capital stock shall in no case be less than the minimum amount required of a stipulated premium company by this Chapter); or (b) by rate adjustment where permitted by policy contract; or (c) by both such methods; and failing to make good such impairment within said time shall forfeit its right to write new business in this State until said impairment shall have been made good. The State Board of Insurance may apply to any court of competent

jurisdiction for the appointment of a receiver to wind up the affairs of such company when its capital stock shall become impaired to the extent of fifty per cent (50%) thereof, computing its reserve liability in the manner provided by this Chapter for the computation of such reserve liability. No stipulated premium company shall write new business unless it is possessed of the minimum capital required by this Chapter 22, except to the extent it may be otherwise expressly authorized by this Chapter of this Code."

"Art. 22.13. Policy Form Approval.

"Section 1. Life Policy Forms:

(a) Every policy of life insurance issued by a stipulated premium company shall state on the front page the amount of death benefit to be paid, and the circumstances or conditions under which it shall be paid. An application for each policy must be signed by the applicant, unless the applicant is a minor, in which event the application may be signed by a parent or guardian. The policy, or the policy and the application if a copy of the application is attached to the policy, shall constitute the entire contract. If the policy is to provide that misstatement as to the health or physical condition of the applicant may void the policy within contestable period, the application shall so state in not less than ten (10) point type in language approved by the State Board of Insurance. All statements in the application shall in the absence of fraud be regarded as representations and not warranties. All conditions of the policy must be stated therein. Each policy must provide that it shall be incontestable, after having been in force during the lifetime of the insured for a period of two (2) years from date of issue, except for nonpayment of premiums. It shall also provide that in case the age of the insured is misstated, the amount of insurance shall be that which the premium actually paid would purchase at the correct age, based on premium rates in force at the time of the death of the insured. No policy nor the application therefor shall contain language or be in such form as to mislead the applicant or policyholder as to the type of insurance afforded nor as to his rights or benefits.

(b) It shall be unlawful for any stipulated premium company to assume liability on a life insurance risk

on any one life in an amount in excess of Five Thousand Dollars (\$5,000.00).

(c) Every life policy form must be approved by the State Board of Insurance as to form and language before it is used by the stipulated premium company.

(d) It shall be unlawful for any stipulated premium company to issue any paid up or endowment type policy.

"Section 2. Health, Accident, Sickness and Hospitalization Policies.

(a) All health, accident, sickness and hospitalization policies shall be issued in accordance with the provisions of Art. 3.70, of Chapter 3 of this Code.

(b) All health, accident, sickness and hospitalization policies issued, reinsured or assumed by a stipulated premium company shall contain therein a premium redetermination clause so as to permit a rate readjustment by action of the Board of Directors of the stipulated premium company.

"Section 3. Readjustment of Premiums.

"Each stipulated premium company shall provide in all policies of insurance issued, reinsured, or assumed by it for an increase or readjustment, not inconsistent with the provisions of this Chapter, of the rates of premium on any such insurance contracts, to be effectuated by resolution of its board of directors, whenever in their discretion such action becomes necessary. The Board of Directors shall have power in making any comprehensive readjustment of any class or classes of its policies, that any insured required to pay an increased premium may, at his option, in lieu thereof, or in combination therewith, consent to a reduction of the corresponding insurance benefits proportionate to the value of the increased premiums. Such requirement as to such policy provisions shall not apply to policy forms under which the premium for life insurance requires the payment of a premium for life insurance alone sufficient to maintain reserves at least equal to those computed on the basis of the 1958 Commissioners Standard Ordinary Table of Mortality with interest not to exceed three and one-half per cent (3½%) per annum and upon which the right to adjust rates has been relinquished by the stipulated premium company, provided that the stipulated premium company is possessed of free and unencumbered surplus in at least

the amount of Fifty Thousand Dollars (\$50,000.00) at the date of issuance of each such policy.

"Section 4. Designation of Beneficiaries.

"The designation of all beneficiaries under policies issued by stipulated premium companies shall comply with the provisions of Art. 3.49-1 and Art. 3.49-2 of Chapter 3 of this Code.

"Section 5. Reductions.

"Any policy may provide for reduced benefits when death or injury occurs while the insured is engaged in military, naval, aerial service, or aerial flight in time of peace or war; or in case of death of the insured by his own hand while sane or insane; or while engaged in certain hazardous occupations to be named in the policy. Attention shall be called on the front page of the policy to any reduction or exclusion of benefits provided in any life policy, and the circumstances or conditions under which reduction or exclusion of benefits are applicable shall be plainly stated in the policy.

"Section 6. Certain Words Prohibited from Appearing on Policies.

"No policy of insurance shall be approved for issuance by a stipulated premium company which shall contain thereon the words, "Approved by the State Board of Insurance" or words of a similar import or nature, and it shall be unlawful for any stipulated premium company to ever issue a policy containing such words or words of a similar import or nature."

"Art. 22.14. Licensing of Agents.

"All agents of stipulated premium companies shall be licensed in accordance with the provisions of Art. 21.07 of Chapter 21 of this Code.

"Art. 22.15. Reinsurance of Mutual Assessment Companies Regulated by Chapter Fourteen (14) of this Code.

"Section 1. Any burial association, local mutual aid association, statewide mutual assessment corporation, or any other similar concern by whatsoever name or class designated, that is regulated by the provisions of Chapter 14 of this Code, may reinsure itself into a stipulated premium company chartered under the provisions of this Chapter.

"Section 2. When it shall be determined by a majority vote of the Board of Directors of the company or association regulated by the provisions of Chapter 14 to submit the proposed reinsurance agreement to the members of the company or association

regulated by the provisions of Chapter 14 of this Code, said Board of Directors shall prepare in detail plans for making such reinsurance, and such reinsurance agreement shall be submitted to the State Board of Insurance. The State Board of Insurance shall determine whether such reinsurance agreement complies with the provisions of this Chapter, and if such reinsurance agreement be in compliance with the provisions of this Chapter, the State Board of Insurance shall approve the same for submission to the members of the company or association regulated by the provisions of Chapter 14 of this Code.

"Section 3. After approval of the State Board of Insurance, the Board of Directors of the company or association regulated by the provisions of Chapter 14 of this Code shall, in accordance with the by-laws, call a meeting of its membership, and shall mail to each member a copy of the proposed reinsurance agreement and enclose therewith a copy of the notice of membership meeting to be held not earlier than fifteen (15) days after the date of mailing of the notice and reinsurance agreement.

"Section 4. Such meeting of the membership shall be held for the purpose of ratification or rejection of the reinsurance agreement. Members may vote in person, by proxy to whomever the member may designate or by mail. All votes shall be cast by ballot. The Chairman of such meeting shall supervise and direct the method of procedure of said meeting and shall appoint an adequate number of inspectors to conduct the voting at said meeting; said inspectors shall have full power and authority to determine all questions concerning the verification of the ballots, the qualifications of the voters, the canvassing of the ballots and the ascertainment of the validity thereof. At the conclusion of said meeting, the inspectors shall certify under oath the result thereof to the State Board of Insurance and to the assuming stipulated premium company. A two-thirds (2/3rds) majority vote cast by those participating in said meeting in person, by proxy or by ballot shall be sufficient and adequate for the purpose of ratification of the reinsurance agreement.

"Section 5. Provided such reinsurance agreement be approved by the members in accordance with the provisions of this Art. 22.15, the com-

pany or association regulated by the provisions of Chapter 14 of this Code shall cease to do business and all of its assets be transferred to the assuming stipulated premium company and thereupon become its sole and exclusive property. All policy liability will be assumed by the stipulated premium company in accordance with the provisions of said reinsurance agreement; all other liabilities shall be assumed by the stipulated premium company in accordance with the method and mode of payment thereof. The company or association regulated by the provisions of Chapter 14 of this Code shall thereafter forthwith surrender its certificate of authority and charter to the State Board of Insurance, which shall dissolve the same, and the company's or association's corporate existence shall cease.

"Section 6. The reinsurance agreement shall provide that the stipulated premium company will assume the policies of the company or association regulated by the provisions of Chapter 14 of this Act subject to the provisions of this Chapter. Immediately following approval by the membership of the reinsurance agreement, the stipulated premium company shall issue to each such member a certificate of assumption setting forth the terms of the assumption, and the reserve and interest table under which such policy is assumed. The agreement shall also provide for the calculation at the effective date of the reinsurance agreement of the following: (a) The amount of the net assets, both mortuary and expense funds, of the company or association regulated under the provisions of Chapter 14 of this Code, which are to be transferred to the stipulated premium company after the payment of all liabilities; and (b) The amount of the required reserves to be established under the reserve and interest table used in such reinsurance agreement; and (c) The amount of the deficiency reserve, if any, resulting from the calculations of items (a) and (b) of this Section 6. Such deficiency reserve shall be permitted in accordance with the provisions of Art. 22.11 of this Chapter, but must thereafter be reduced in compliance with said Art. 22.11, or said reinsurance agreement may provide for immediate rate adjustments, in accordance with accepted actuarial practices and standards, so as to eliminate said deficiency at the time of reinsurance or during the

period allowed in Art. 22.11 for curing of the said reserve deficiency. The sum total of the net assets of the company or association regulated by the provisions of Chapter 14 of this Code shall be apportioned for reserve calculation purposes among the members assessed as follows: The percentage of the whole of the net assets allotted to any individual member shall be calculated with the amount of the required reserve for such individual insured under the reinsurance agreement as the numerator and the total of all of the required reserve for all the members under the reinsurance agreement as the denominator.

"Each such reinsurance agreement shall also provide that each policyholder who is dissatisfied with such reinsurance agreement and who does not desire to accept the assumption certificate offered by the stipulated premium company, shall be entitled to receive, if he shall so request in writing the stipulated premium company within sixty (60) days following the mailing of the assumption certificate, the amount of the reserve under his policy reduced by the deficiency reserve, if any, as applicable to such policy.

"Section 7. Within thirty (30) days following such membership meeting, all facts in connection therewith, including the accounting thereof and the calculation of the required reserves, shall be submitted under oath to the State Board of Insurance.

"Section 8. The reinsurance contract shall become binding upon both companies parties hereto at the effective date thereof immediately following the ratification by the membership of the company or association regulated under the provisions of Chapter 14 of this Code.

"Section 9. In the event the premiums charged on any life policy assumed by the stipulated premium company shall be less than the renewal net premium calculated in accordance with the reserve standard adopted by the reinsurance agreement, the rate shall be readjusted to an amount at least equal to the renewal net premium calculated in accordance with the reserve standard adopted by the reinsurance agreement based upon the insured's age at issue by the Chapter 14 company.

"Section 10. The words "net assets" as used in this chapter shall mean the funds of the company available for

the payment of its obligations in this state, including uncollected premiums not more than three months past due after deduction from such funds all unpaid losses and claims and claims for losses and all other debts.

"Art. 22.16. Applicability of Texas Business Corporation Act.

"Insofar as the same are not inconsistent with or contrary to any applicable provision of this Chapter or any other insurance law applicable to stipulated premium companies, or any amendments thereto, the provisions of the Texas Business Corporation Act shall apply to and govern stipulated premium companies, provided, however, that wherever said Texas Business Corporation Act imposes some duty, authority, responsibility, power; or some act is vested in, required of, or is to be performed by the Secretary of State, such is hereby vested in, required of, or shall be performed by the State Board of Insurance.

"Art. 22.17. Limitation of Authority.

"No stipulated premium company may ever use in its advertising or representation of its policies the words: "legal reserve company," "stock company," "old line legal reserve company," or any other words of like import whereby the public might be led to believe that policies of stipulated premium companies provide non-forfeiture values. All stipulated premium company policies and application forms must contain on the face thereof and immediately after the name of the company, the following language: "A Stipulated Premium Company." Each stipulated premium company policy shall provide on the front thereof that the premium is subject to readjustment, unless such policy is not subject to a premium readjustment under the provisions of Section 3 of Art. 22.13 of this Chapter."

"Art. 22.18. Other Laws to Govern.

"Section 1. The following Articles of this Code, to-wit: Art. 1.14, Art. 1.15, Art. 1.16, Art. 1.19, Art. 1.24, Art. 3.13, Art. 3.39, Art. 3.40, Art. 3.61, Art. 3.63, Art. 3.67, Art. 21.21, Art. 21.25, Art. 21.26, Art. 21.28, Art. 21.32, Art. 21.39, Art. 21.45, and Art. 21.47 shall apply to and govern stipulated premium companies and each company shall comply with the provisions thereof.

"Section 2. Stipulated premium companies shall be regulated by the

Texas Securities Act, same being Acts 1957, 55th Legislature, Pages 575 et seq., Chapter 269, and shall pay premium taxes in like manner as a company chartered and doing business under the provisions of Chapter 3 of this Code.

"Section 3. Until such time as a stipulated premium company shall have and be possessed of capital of at least One Hundred Thousand Dollars (\$100,000.00) and free and unencumbered surplus in at least the amount of One Hundred Thousand Dollars (\$100,000.00), it shall be unlawful for any stipulated premium company to make a public offering, as defined in the Texas Securities Act, of any of its capital stock.

"Art. 22.19. Total or Partial Reinsurance Agreements.

"Section 1. Total or partial reinsurance agreements may be made and entered into between stipulated premium companies chartered under the provisions of this Chapter provided:

(a) The assuming company is authorized to transact the kinds of insurance provided by the policies assumed; and (b) No total reinsurance agreement shall be made until the contract therefor has been submitted to and approved by the State Board of Insurance as protecting fully the interests of all the policyholders assumed.

"Section 2. Any stipulated premium company may enter into total or partial reinsurance agreements with any legal reserve life insurance company lawfully doing business in this State upon compliance with the following terms and conditions:

(a) The reinsurance agreement must be approved by a majority vote of the respective Boards of Directors of the respective companies parties thereto.

(b) In the event of the reinsurance of health, accident or sickness policies, the assuming company must assume the exact policy obligations of the stipulated premium policies; in the event the stipulated premium policy is non-cancellable or guaranteed renewable the assuming company may include in its assumption certificate a premium redetermination clause in lieu of the clause contained in the policy by reason of Art. 22.13 of this Chapter.

(c) In the event of the reinsurance of life policies or a combination of life and health, accident or sickness, the reinsurance agreement shall contain

provisions in compliance with the following:

1) In the event the assuming legal reserve company issues an assumption certificate providing whole life coverage for the life benefit, the policyholder shall not have the right to receive his individual reserve in cash by surrendering the assumption certificate;

2) In the event the reserves and premium under the stipulated premium policy are inadequate to provide whole life coverage under the legal reserve assumption certificate and a term coverage assumption is afforded the following options shall be afforded to each policyholder affected thereby so that he may select any one of the following: a) The amount of the individual reserve, reduced by the deficiency reserve if any, shall be paid in cash to the legal owner and holder of the policy upon its surrender and if the same be requested within sixty (60) days following mailing of notice of the options afforded to the policyholder; b) An assumption certificate of another stipulated premium company chartered and doing business pursuant to the provisions of this Chapter; or c) The legal reserve company's certificate of assumption predicated upon term coverage, but which term coverage shall be renewable for the life of the insured without evidence of insurability and the rate for which shall be based on the legal reserve table selected by the assuming company at the attained age of the insured at the date of the renewal. Each affected policyholder shall have the right to exercise his option within sixty (60) days following the date the assumption certificate of the legal reserve company is mailed to the policyholder.

In the event the term coverage is afforded by the legal reserve company, the individual reserve, less the amount of the deficiency, if any, of each policyholder shall be used by the assuming company either: a) As a reserve credit to permit the legal reserve assumption certificate to be back dated as far as the reserve credit will permit; or b) As an annuity to reduce the required premium during the initial period of the term coverage.

(d) Each such reinsurance agreement shall be submitted in advance to and approved by the State Board of Insurance as to compliance with the provisions of this Section of this Art.

22.19 prior to the same becoming effective.

"Section 3. In the event of a total reinsurance agreement under the provisions of Section 1 or Section 2 of this Art. 22.19, the reinsured stipulated premium company shall forthwith surrender its certificate of authority to the State Board of Insurance and proceed by action of its stockholders and Board of Directors to effect its dissolution.

"Section 4. All partial reinsurance agreements shall be filed with the State Board of Insurance prior to the effective date of said agreement and the assuming company shall furnish an assumption certificate to the policyholder to be attached to his policy."

"Art. 22.20. Conversion to Chapter Three Company.

"At such time that a stipulated premium company shall be possessed with at least One hundred Thousand Dollars (\$100,000.00) in capital and at least One Hundred Thousand Dollars (\$100,000.00) in free and unencumbered surplus and additionally shall have on hand sufficient reserves so as to reserve all of its policies under the provisions of Chapter Three of this Code, the stockholders of the stipulated premium company may convert the stipulated premium company into a legal reserve company under the provisions of Chapter Three of this Code. Within thirty (30) days following such conversion, the converted company shall furnish to each and every policyholder a certificate of assumption whereby the policy liability is assumed by the converted company and which said assumption certificate shall contain all of the provisions required by Chapter Three of this Code. In consummating said conversion, each and every of the requirements of Chapter Three of this Code shall be complied with and the State Board of Insurance shall approve such conversion only after determining that said converted company has complied with said Chapter Three of this Code."

SECTION 2. If any section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

SECTION 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only.

SECTION 4. The need to create in the State of Texas a type of Insurance company to write life, health, accident and sickness coverage in small amounts but providing for the maintenance of an adequate reserve thereon creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule that bills shall not be effective until ninety (90) days after the adjournment of the Legislature, be suspended, and said Rules are hereby suspended and this Act shall be in full force and effect from and after its passage.

The committee amendment was read.

Senator Parkhouse offered the following amendment to the pending amendment:

Amend pending Committee Amendment Senate Bill No. 131 by adding at the end of Section 1 of Senate Bill No. 131 a new Article reading as follows:

"Art. 22.21. Repealer.

"Art. 12.05 of the Insurance Code of the State of Texas is hereby in all things repealed except that such repeal shall not in any manner alter, affect or impair the validity of the charter or articles of association of any local mutual aid association or local mutual burial association which have been filed pursuant to the provisions of Art. 12.05 with the State Board of Insurance or the Commissioner of Insurance prior to the effective date hereof, and all such local mutual aid associations and local mutual burial associations shall be permitted to in all things continue to operate and do business as though Art. 12.05 had not been repealed."

The amendment to the pending amendment was adopted.

The committee amendment as amended was then adopted.

On motion of Senator Crump and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 131 on Third Reading

Senator Crump moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 131 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Hudson	Smith
Kazen	Willis
Krueger	

Present—Not Voting

Herring

Absent

Martin Secrest

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reason for Vote

I ask to be shown as Present and Not Voting on all vote on S. B. 131 for the reason that I am an officer in a Mutual Insurance Company in Texas and although this bill may not directly affect such company I feel that I should not vote on it.

HERRING

Vote on Final Passage of Senate Bill 378 Reconsidered

Senator Patman asked unanimous consent to reconsider the vote on the final passage of S. B. No. 378 which was passed during the Session for the Consideration of Local and Uncontested Bills this morning.

There was no objection offered.

Question—Shall S. B. No. 378 be finally passed?

Senate Resolution 263

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Government Class of Richards High School, accompanied by Mr. Val G. Hinze and Mr. Gerald Pepper, sponsors and teachers, all of Richards, Grimes County, Texas; and

Whereas, The presence of these young people is evidence of their interest in better citizenship and governmental affairs. They are seeking to broaden their knowledge and experience by a visit to the State Capitol; and

Whereas, We are delighted that these fine young American citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, and bearing the official seal of the Senate, be mailed to them in recognition and appreciation of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the students, sponsors and teachers to the Members of the Senate.

Reports of Standing Committees

Senator Moffett by unanimous consent submitted the following report:

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 266, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOFFETT, Chairman.

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 325, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Rogers by unanimous consent submitted the following reports:

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 244, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 310, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROGERS, Chairman.

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 225, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 376, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Committee Substitute Senate Bill 116 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 116, A bill to be entitled "An Act to adopt and establish general statutory provisions and a definition applicable to real estate investment trusts; to provide for the formation and operation of a real estate investment trust; to provide for powers, duties, authorizations, liabilities and responsibilities of real estate investment trusts and their trust manager(s), officers and shareholders; to provide a manner for service of process on a real estate investment trust; provide for the payment and transfer of shares and the powers, duties and liabilities of shareholders; to provide for shareholders' meetings and the conduct thereof; to provide the termination and liquidation of real estate investment trusts providing the Antitrust Laws of Texas shall not be affected under the provisions of this Act; containing a saving clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 116 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 116 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kazen
Baker	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moffett
Crump	Moore
Dies	Owen
Fuller	Parkhouse
Gonzalez	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers

Schwartz
Secrest

Smith
Willis

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent

Martin

Absent—Excused

Weinert

Address by the Honorable T. Whitfield Davidson

The President announced that pursuant to the provisions of S. R. No. 98 previously adopted by the Senate that the time had arrived for an address by the Honorable T. Whitfield Davidson.

The President appointed Senators Hardeman, Lane, Calhoun and Aikin to escort the distinguished guest and Mrs. Davidson to the President's Rostrum.

The President presented Senator Hardeman and he presented Mrs. Davidson to the Senate. Senator Hardeman then presented Judge Davidson, a former Lieutenant Governor of Texas, to the Members of the Senate.

Judge Davidson then addressed the Senate as follows:

Mr. President and Gentlemen of the Senate, I propose a toast: The Constitution of the United States.

The Constitution is the cornerstone of the home life of American citizenship. It is the compass, the rudder and the anchor of our ship of state.

Our fathers were men of vision. They wrote and handed down this charter of liberties as a guide for generations to follow. It has been pronounced by competent critics the greatest document ever to fall from the hands of man.

The final word of the great document is Article X of the Bill of Rights:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people."

A few years since the State of New York not pleased with the Volstead Act and the 18th Amendment called upon their governor F.D.R. for a statement of where the state's power left off and the Federal government's began. His answer was correct. John C. Calhoun could have written it:

"All power belongs to the state except that expressly delegated to the Federal government."

Our government is exercising authority that has never been delegated:

To give foreign aid;

The power to lend money in competition with banks;

The power to make gifts in the name of welfare;

To acquire and warehouse millions of dollars worth of cotton and wheat;

To allocate large sums of money to the state for education;

To interfere with the plans of the public schools of the state.

None of such powers was ever delegated by the Constitution to the United States.

Article III of the United States Constitution:

"The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. . . ."

Another court of large proportions is extending its shadow across us. The Constitution didn't mention it and Congress did not create it. It is a creature of a treaty. It is the International Court of Justice. It is given power equal if not superior to that of the court of last resort in our country.

On the 6th day of June, 1945, at

San Francisco was organized the United Nations. It had six organs or branches. The third organ or branch termed the Economic and Social Council was to study international economics, social, cultural, educational, health and related matters for the purpose of promoting *human rights* and fundamental freedoms for all.

The fifth item was the International Court of Justice. This court has no control over a nation until the nation accepts its jurisdiction. It may certify its acceptance for a single case or it may declare that it recognizes as compulsory ipso facto the jurisdiction of the court. The Yearbook of the United Nations 1949-50, pages 35-39, so provides.

On August 14, 1946, President Truman accepted compulsory jurisdiction of this court and when the Senate was ratifying such acceptance Senator Tom Connally of Texas added six words as an amendment: "*As determined by the United States.*"

A very determined effort is being made to repeal the Connally Amendment. It is urged that other nations have gone forward and that the United States is holding back. This is not correct. Other countries have made unqualified reservations just as strong as the Connally Amendment. England makes ten reservations, the last one of which is to the effect that with notice given she may add to, amend or withdraw any of her reservations. England gives herself more liberty than we did with the Connally Amendment attached. France will submit no controversy involving her national security. Even Egypt expressly withdraws any consideration to the Suez Canal.

The first of the organs of the United Nations is the General Assembly to which all nations may be a member. We now have about a hundred nations, including the new nations of Africa.

It may be surprising to some to know that the International Court of Justice has no member from the United States appointed by the United States government, either by the President or by Congress. The members of the court are elected by the General Assembly and the Security Council of the United Nations and are composed of fifteen judges distributed promiscuously through nations like Pakistan and other newly created powers whose theory of juris-

prudence is vastly different from ours.

The jurisdiction of the court, Article 36 of the Charter of the United Nations:

"1. Jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter or in treaties or conventions;

"2. The States (nations) parties to the present statute may at any time declare that they recognize as compulsory ipso facto . . . the jurisdiction of the Court in all legal disputes:

"(a) Concerning the interpretation of a treaty."

I repeat, interpretation of a treaty.

Senators of Texas, listen. Our own Constitution, that of the United States of America, Article VI, Section 2:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; . . ."

Now we by treaty have become a party to the International Court of Justice which empowers that court to interpret treaties. These treaties are equal in law to the Constitution of the United States itself. We are by repealing the Connally Amendment delegating authority to a foreign court to interpret the treaties which we have made with foreign powers; these treaties rank along with the Constitution of our country as the supreme law of the land. Indeed we are abdicating our national sovereignty itself.

Our courts in the main have so commanded the confidence of the people that to have a court to which we can carry our problems rather than submit them to the arbitrament of war has a powerful appeal. It sounds good. Calling a group of men, however, a court does not make it such, certainly not of the kind that we are accustomed to thinking of. Calling a wild animal by a pet name will not gentle him and make him docile.

February 28, 1958, the World Court, the one of International Justice, adjudicated the custody of an infant, the father residing in Holland and the mother in Sweden. There was no war on between the countries, Yearbook 1958-1959, page 85. This indicates that this court will not only litigate matters between nations but will

reach down to the inhabitants of nations.

We may well wonder if the socialist groups of the United States and the other nations of the world are not heading us into a united world into which the United States is to be only one state and our national sovereignty be merged therein.

The third item of the United Nations, it will be remembered, was the Economic and Social Council. Acting under this organ of the United Nations, early in 1946 there was an effort made to deal with matters essentially within the jurisdiction of the United States. There was an appointment of a Human Rights Commission as a sub-agency of the Economic and Social Council. This convention was signed by a number of nations and if signed by us authorized the transportation of Americans overseas to be tried in foreign courts for local offenses committed in this country by a person of one race against a person of another race. This is called the Genocide Effort. A genocide is a systematic measure for the extermination of a cultural or racial group.

Some who urge the repeal of the Connally Amendment and placing us ipso facto under the compulsory jurisdiction of the International Court of Justice almost without exception also champion the admission of Red China to the United Nations. In this connection we call your attention to Article 47, Section 1 of the Charter of the United Nations:

"There shall be established a military staff to advise the Security Council on all questions relating to military requirements. The military staff shall consist of the chief of the permanent members of Great Britain, France, Russia, China and the United States."

This staff is permanent and unchangeable. One member of that staff is a Russian officer. If we take Red China in two of the five will be communist officers. Then if England or France should ever fall there would be three communists to two representatives of the free world and your soldiers in the army of the United Nations would be commanded by a communist general.

The levellers, we find growing among us to an alarming extent, a tendency to urge the levelling of all things: socially, racially and econom-

ically. They would throw down the bars and let a flood of immigration come in upon us. They would breed all races into one hybrid stock. Many of them would destroy rights to property under the guise of human rights. They want to take down all the barriers of tariffs between nations. In opposing such let us look backward just a moment. For some more than two generations throughout the old South cotton was the moneyed crop. The labor for the cotton growers had to compete with the labor in India and Egypt and the price of cotton was comparable to that which was paid for cotton in India and Egypt. This meant that the average one-horse farmer and the average help of the larger grower would approximate about \$200.00 a year as their net returns from which they had to live, buy their clothing and school their children. It applied both to white and black races. The industrialist unlike the farmer was protected by a tariff wall which raised the price of his product. China under its communist rule is taking on an industrial program and with her cheap labor she can easily ruin our industrialists or reduce their labor to the same standard of the former cotton grower in the South.

As a youth I helped surveyors in running lines through the forest. The surveyor would set his compass. He would get in front of it and look back and find where he had been. Then he would get behind and look to the front and locate where he intended to be. Those who have run our agricultural department for the past 30 years have needed a compass to find out where they were going. The leveller or the utopian rarely looks beyond his nose. In the 30's he was going to help the farmer, the cotton farmer. And notwithstanding half of the homes in the rural districts needed a change of bed sheets, they told him to plow up his cotton because there was being too much produced. The hog raiser in Iowa was getting a small price for his hogs so they told him to kill his pigs that there would be fewer hogs and he might get a better price. And the cattleman shot his calves and the farmer plowed up his cotton and the hog raiser killed his pigs. It was a paradox of creating plenty by causing scarcity a la Henry Wallace.

The law of gravitation is like the law of supply and demand. You can't

run water uphill. This creating scarcity didn't bring the result so the man without a compass or a chart, the leveller and the utopian, tried again. This time it was eureka. He had found it. We will create a Commodity Credit Corporation and we will lend you money on your cotton and we will put a high price on it. We will put that cotton in a warehouse until we have a bad year and then the price of cotton will go up and you may sell it and get the profit. If it never goes up of course we will keep it, and keep it we did. Warehouse after warehouse filled with cotton until the futures market was practically destroyed. The supply would take care of the demand even though the smallest of crops was produced.

The utopian failed to look ahead. He couldn't see that Brazil, Mexico and states of Asia and Africa in the mild climates would immediately go to raising cotton when we raised the price and they did. They took the cotton market and the warehouses are still full of cotton.

And the same thing happened to the wheat. Seeing that this didn't work they originated a brand new scheme: the farmer would be paid not to produce cotton. His surplus land would be put into the "soil bank," but we still have our warehouses full of cotton. The small producer has gone out of business, describes his situation in the Farm and Ranch: "My land is in the soil bank, my money is in the state bank and my pants are on the river bank."

Turning back to another angle of the one worlders, they not only propose to subject our courts and our nation and the treaties of our nation to the International Court of Justice, but they also propose that the Court of International Justice as an organization shall enjoy the territory of each of its members with such legal capacity as may be necessary for the exercise of its function and fulfillment of its purposes. Articles 104 and 105.

This would authorize China, Russia or any other nation, thru the U. N., to send its emissaries throughout our land. They could pose as friends or they could be spies.

Retain the Connally Amendment and keep our national existence.

Gentlemen, let no man be misled by the appealing terms of general welfare and human rights.

General Welfare was never an affirmative provision of the Constitution. 'Twas put in there to the end that the new nation could assume those debts of states made in the interest of the general welfare, such being the debts created in keeping Washington's army in the field.

General Welfare means just whatever you think and want it to mean. When Nero killed his mother he did it for the general welfare.

The thirty tyrants ruled Athens. They felt they were acting for the general welfare.

One may set aside every safeguard or limitation in the Constitution and justify it by declaring it to be for the general welfare.

The term Human Rights is misleading. What rights may man possess other than human rights? The one-worlders will talk of property rights. Property is the creature of man's labor. According to every law-giver and seer from Moses to Lincoln, the producer was entitled to the first fruit of toil.

Your automobile has no rights though it's property, and so is cattle of the field and the fruit of the vine. The exponent of so called human rights is ordinarily a stateist. According to him that which you produce should belong to the state and be shared alike to the non-producer and producer. The state would take the place of God above in meeting the needs and wants of man.

The law would supplant sweet charity and the philanthropist would have nought to give.

The philosophy of Teddy Roosevelt is sweet to mine ears:

"I preach not the doctrine of ignoble ease. Let me wear out and not rust out."

The Constitution given us by our fathers has been proven sound. It is true and tried and by it we feel in the language of the immortal bard:

"Those friends thou hast, and their adoption tried, Grapple them to thy soul with hoops of steel."

And such must be our attitude towards the long tried principles of free government.

Stand up for the love of country. With patriotic zeal say in the language of Walter Scott:

"Breathes there a man with soul so dead,
Who never to himself hath said,
This is my own, my native land?"

Senate Resolution 264

Senator Hudson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 8th Grade of Comfort Junior High School of Comfort, Kendall County, Texas, accompanied by their teacher and sponsor, Col. Robert E. Mitchell and Mrs. Roy Willmann; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

WEINERT
HUDSON

The resolution was read and was adopted.

Senator Hudson presented for Senator Weinert the students, their teachers and sponsors to the Members of the Senate.

Senate Bill 203 with House Amendments

Senator Hazlewood called S. B. No. 203 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Senate Resolution 265

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate,

Steve Schacht of Anaheim, California, and

Whereas, He is on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine young citizen is here to observe and to learn at first-hand the workings of the State Government; now, therefore, be it

Resolved, That we officially recognize and welcome him and commend him for his interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to him in recognition of his visit.

The resolution was read and was adopted.

Remarks of Judge Davidson Ordered Printed in Journal

On motion of Senator Hardeman and by unanimous consent the remarks of Judge T. Whitfield Davidson were ordered printed in the Journal.

Committee Substitute Senate Resolution 239 on Second Reading

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

BE IT RESOLVED by the Senate of Texas that Senate Rule No. 94 be and the same is hereby changed to read as follows:

"94. The proceedings of the Senate, when not in Committee of the Whole or in executive session, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of the bill and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal; every report of a committee and vote of the Senate; and a brief statement of the contents of each petition or paper presented to the Senate, shall also be inserted in the Journal. Resolutions of a congratulatory nature, and resolutions recognizing visitors to the Senate shall not be numbered or printed in the Journal, but the names of the sponsor and the persons concerned and the recognition accorded may be listed for each day at the end of the day's proceedings. Memorial resolutions shall be limited to public officials

and former public officials, members and former members of the Legislature and their relatives, and each person so honored may be named on the last page of the Journal for each day. Originals of congratulatory recognition and memorial resolutions shall be limited to five in number.

The Committee Substitute for S. R. No. 239 was read.

Senator Aikin offered the following amendment to the resolution:

Amend Committee Substitute by striking the sentence relating to Memorial Resolutions and inserting the word "Memorial" between the word "petition" and the word "or" in line 11.

Question—Shall the amendment by Senator Aikin to C. S. S. R. No. 239 be adopted?

Recess

On motion of Senator Hardeman the Senate at 11:56 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Leave of Absence

Senator Gonzalez was granted leave of absence for the remainder of the day on account of important business on motion of Senator Kazen.

Committee Substitute Senate Resolution 239 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. S. R. No. 239 on its second reading with an amendment by Senator Aikin pending.

Question—Shall the amendment by Senator Aikin to C. S. S. R. No. 239 be adopted?

The amendment by Senator Aikin to C. S. S. R. No. 239 was adopted.

C. S. S. R. No. 239 as amended was then adopted by the following vote:

Yeas—24

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Hardeman	Owen
Hazlewood	Patman
Hudson	Ratliff
Kazen	Roberts
Krueger	Rogers
Lane	Schwartz
Martin	Secrest
Moffett	Willis

Nays—3

Herring	Reagan
Parkhouse	

Absent

Moore	Smith
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Absent—Excused

Gonzalez	Weinert
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Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 49, Providing for a Joint Session at 11:30 a.m. on April 5, 1961, for the purpose of receiving seals from representatives of the Texas Heritage Foundation and the Adjutant General's Department.

Senate Joint Resolution 19 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 19 for consideration at this time.

There was objection.

(Senator Aikin in the Chair.)

Senator Reagan then moved to suspend the regular order of business and take up S. J. R. No. 19 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kazen
Baker	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moffett
Crump	Moore
Dies	Owen
Fuller	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts

Schwartz
Secrest

Smith
Willis

Nays—3

Hardeman
Parkhouse

Rogers

Absent—Excused

Gonzalez

Weinert

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 19, Proposing an amendment to Article IX of the Constitution of the State of Texas to add a new section to be known as Section 1-A which permits the Legislature to delegate certain zoning powers to the governing body of any county bordering on the Gulf of Mexico or the Tidewater limits thereof.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. 19, Sec. 1, by striking out all of lines 22 to 34, both inclusive of the printed resolution and substitute in lieu as follows:

"Section 1-A. The Legislature may authorize the governing body of any county bordering on the Gulf of Mexico or the tidewater limits thereof to regulate and restrict the speed, parking, and travel of motor vehicles on State-owned beaches and the littering of such beaches."

The amendment was adopted.

The resolution as amended was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. J. R. No. 19 to engrossment.

Senate Joint Resolution 19 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin
Baker
Calhoun
Colson
Creighton
Crump
Dies
Fuller
Hazlewood
Herring
Hudson
Kazen
Krueger

Lane
Martin
Moffett
Moore
Owen
Parkhouse
Patman
Ratliff
Reagan
Roberts
Schwartz
Secrest
Smith

Nays—3

Hardeman
Rogers

Willis

Absent—Excused

Gonzalez

Weinert

The Presiding Officer laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—26

Aikin
Baker
Calhoun
Colson
Creighton
Crump
Dies
Fuller
Hazlewood
Herring
Hudson
Kazen
Krueger

Lane
Martin
Moffett
Moore
Owen
Parkhouse
Patman
Ratliff
Reagan
Roberts
Schwartz
Secrest
Smith

Nays—3

Hardeman
Rogers

Willis

Absent—Excused

Gonzalez

Weinert

Senate Bill 276 on Second Reading

Senator Patman asked unanimous consent to suspend the regular order of business and take up S. B. No. 276 for consideration at this time.

There was objection.

Senator Patman then moved to suspend the regular order of business

and take up S. B. No. 276 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Willis

Nays—2

Aikin	Lane
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Absent

Smith

Absent—Excused

Gonzalez	Weinert
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The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 276, A bill to be entitled "An Act amending sections 9, 10, 11 and 13 of Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, compiled as Sections 9, 10, 11 and 13 of Article 1525b, Vernon's Annotated Penal Code, so as to regulate the movement of livestock and domestic fowl into the State of Texas; and declaring an emergency."

The bill was read second time.

Senator Patman offered the following committee amendment to the bill:

Amend Senate Bill No. 276 in Section 9 of Section 1 by inserting after the word "cattle", and before the word "horses", the following:

"except steers and spayed heifers;"

And further amending Section 9 of Section 1 by inserting after the word "diseases" and before the words "and that" the following:

"as such are determined by the Texas Animal Health Commission to be dangerous to livestock,"

The committee amendment was adopted.

Senator Patman offered the following committee amendment to the bill:

Amend Senate Bill No. 276 by deleting all of Section 11 contained in Section 3 and substituting therefor the following:

"Sec. 11. All livestock brought into the State shall be accompanied by an official health certificate stating that the animals are free from symptoms of infectious, contagious, and communicable diseases, and shall meet the specific health requirements as stated in this regulation.

All cattle except cattle exempt from testing in accordance with the rules and regulations of the Texas Animal Health Commission, over eight (8) months of age shall be required to show a negative brucellosis agglutination test within thirty (30) days prior to date of shipment. The following are exempt from this requirement:

1. Official calfhood vaccinated cattle under thirty (30) months of age.

2. Cattle originating from a certified brucellosis-free herd.

3. Cattle originating from a negative, non-quarantined herd, and a modified certified free area.

4. Steers and spayed heifers.

5. Cattle consigned to federally recognized slaughter establishments for immediate slaughter; approved livestock auction markets; and public stockyards; and approved feedlots.

Under no circumstances shall cattle originating in herd quarantined for any disease enter Texas. Any health certificate required herein shall be issued by a veterinarian recognized by the Texas Animal Health Commission. The Texas Animal Health Commission, in regulations adopted by said Commission, may prescribe the manner and method of tuberculin testing prior to entry into Texas and provide for permits to be secured authorizing said brucellosis and tuberculin tests to be conducted after arrival of cattle into Texas.

Any person, firm, corporation, railway or other transportation company that shall ship, drive, drift, haul, transport or otherwise move into the State of Texas any cattle in violation hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum of not less than Twenty-five Dollars (\$25) per head nor more than One Hundred Dollars (\$100) per head for cattle shipped, driven, drifted, hauled, transported or otherwise moved into the State of Texas by said person,

firm, corporation, railway or other transportation company in violation hereof."

The committee amendment was adopted.

On motion of Senator Patman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 276 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 276 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Baker	Moffett
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Nays—3

Aikin	Martin
Lane	

Absent

Owen

Absent—Excused

Gonzalez	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Baker	Crump
Calhoun	Dies
Colson	Fuller
Creighton	Hardeman

Hazlewood	Patman
Herring	Roberts
Hudson	Reagan
Kazen	Ratliff
Krueger	Rogers
Moffett	Schwartz
Moore	Secrest
Owen	Smith

Nays—5

Aikin	Willis
Lane	Parkhouse
Martin	

Absent—Excused

Gonzalez	Weinert
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House Concurrent Resolution 61 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 61, Extending congratulations to the Ex-Students Association of Texas Technological College and designating "Texas Tech Day."

The resolution was read and was adopted.

Senate Resolution 267

Senator Krueger offered the following resolution:

Whereas, John Bowden Connally, Jr., a distinguished son of Texas, again has answered the call of his country by accepting appointment to the high office of Secretary of the United States Navy at the personal request of His Excellency John Fitzgerald Kennedy, President of the United States; and

Whereas, Secretary of the Navy Connally was born and raised in Floresville, Wilson County, Texas, 43 years ago, as one of five sons and two daughters of Mr. and Mrs. John Bowden Connally; and

Whereas, John Bowden Connally, Jr. entered The University of Texas and graduated with a law degree in 1939 and while at The University of Texas was prominent in all those activities which cultivate and broaden a man for future service to his country, among these being President of the University of Texas Curtain Club; member of the Friars; member of

Delta Theta Phi, law fraternity; chairman of the University of Texas Student Publications; and culminating in his election as President of the Student Body of The University of Texas; and is now a life member of the Ex-Students Association of The University of Texas; and

Whereas, Upon graduation he married his college sweetheart, the vivacious, charming, and gracious Ida Nell Brill of Austin, who had been elected by the students as Sweetheart of The University of Texas; and the John B. Connallys now have three fine children, John B. III, age 14; Mark, 8; and Sharon, 11; and

Whereas, John B. Connally entered into the broad and expanding field of public service when in 1938 he went to Washington, D. C. as Secretary to the then Congressman, Lyndon B. Johnson, where by a rare combination of hard work, devotion to duty, and keen intellect, he quickly established himself as the ablest Administrative Assistant in Washington, which post he later left to answer the call of his country by volunteering for service the day after Pearl Harbor, and during World War II he distinguished himself as an officer in the United States Navy aboard the U.S.S. Essex where as Fighter Director Officer he was awarded the Bronze Star for gallantry in action under fire, from which duty he later received an honorable discharge as Lieutenant Commander of the United States Navy; and

Whereas, When World War II was over and his job accomplished with honors, John B. Connally returned to Austin and to the practice of law where he soon became President of Radio Station KVET, composed of World War II Veterans, and from which organization he took a leave of absence to return to Washington as Administrative Assistant and political advisor to his close, personal friend, mentor and newly-elected United States Senator, the Honorable Lyndon B. Johnson, and remained in this position for two years, returning to Austin and the practice of law where his activities were so recognized that he soon became associated with the late and beloved Sid W. Richardson and Perry R. Bass in the operation and direction of a vast oil and allied business interests, receiving distinct recognition and acclaim in this field of administration; and

Whereas, The President of The

United States in his wisdom sought out John B. Connally to make his wealth of known abilities available to the Nation and to the whole world, appointing John B. Connally as Secretary of the United States Navy and in so doing bringing honor to his native State of Texas; and

Whereas, It is the desire of the Senate of the State of Texas, and the people of every walk of life in Texas to pay tribute and respect to this outstanding citizen and his devoted family on the occasion of his visit to the Naval Air Station in Corpus Christi on Tuesday, April 4, 1961, now, therefore

Be it resolved by the Senate of the State of Texas, That April 4, 1961 be declared John B. Connally Day in Texas, and respectfully requests the Governor to declare April 4, 1961 as "John B. Connally Day" in Texas."

WEINERT
KRUEGER
REAGAN
HERRING
KAZEN
HUDSON
AIKIN
BAKER
DIES
ROBERTS
SECREST
MOFFETT
COLSON
SCHWARTZ
LANE
HAZLEWOOD
PARKHOUSE
CRUMP
MOORE
RATLIFF
ROGERS
PATMAN
FULLER
HARDEMAN
CALHOUN
WILLIS
CREIGHTON
SMITH
MARTIN
OWEN
GONZALEZ
BEN RAMSEY

The resolution was read and was adopted.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 970, have had the same under construction, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARKHOUSE, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 403, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

House Bill 970 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 970 was ordered not printed.

House Concurrent Resolution 52 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 52, Inviting Gabe Paul to speak to Joint Session of House and Senate.

The resolution was read and was adopted.

Special Notice on Senate Bill 150

Senator Schwartz gave notice that he would on Tuesday, April 4, 1961, move to suspend the rules to consider S. B. No. 150.

Notice of Executive Session

Senator Dies gave notice that he would make a motion for an Executive Session on tomorrow following the Morning Call.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 33, Granting permission to Frankie LeRoy Davis and Mary Jean Davis to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 59, Inviting the International Good Neighbor Council to hold the opening session of its XIV Assembly at a Joint Session of the House and Senate on Tuesday, April 11, 1961, at 11:00 a.m.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives
(President in the Chair.)

Motion to Place Senate Bill 10 on Second Reading

Senator Roberts asked unanimous consent to suspend the regular order of business and take up S. B. No. 10 for consideration at this time.

There was objection.

Senator Roberts then moved to suspend the regular order of business and take up S. B. No. 10 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—18

Aikin	Martin
Calhoun	Moffett
Creighton	Owen
Dies	Reagan
Fuller	Roberts
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis

Nays—10

Baker	Lane
Colson	Moore
Crump	Patman
Hardeman	Ratliff
Krueger	Rogers

Absent

Parkhouse

Absent—Excused

Gonzalez

Weinert

Senate Bill 125 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 125, A bill to be entitled "An Act to authorize acceptance and conditional use by Texas Woman's University of certain donated property; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 125 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 125 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis

Nays—2

Krueger Patman

Absent

Parkhouse

Absent—Excused

Gonzalez

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 165 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 165, A bill to be entitled "An Act to amend Article 2669 and Article 2673 of the Revised Civil Statutes of Texas, 1925, as amended, relating to the investment of the State Permanent School Fund by the State Board of Education; repealing all laws in conflict; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following committee amendment to the bill:

Amend S. B. 165 by adding a new phrase at the end of Sec. 1(a) of Art. 2669 to read as follows:

and corporate bonds of United States corporations of at least "A" rating.

The committee amendment was adopted.

Senator Crump offered the following amendment to the bill:

Amend S. B. No. 165, by adding a new paragraph (d) at the end of Section 1, to read as follows:

"(d) Notwithstanding any other law, or any other provision of this Act, each of the funds may be invested by the Board in first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act of the United States, as amended from time to time, or in any other first lien real estate mortgage securities guaranteed in whole or in part by the United States Government or any agency thereof. In the interest of diversification of investment of such funds it is hereby declared to be the intent of the Legislature and the Board is hereby authorized to invest a portion of each of said funds in such first lien real estate mortgage securities."

The amendment was read.

On motion of Senator Aikin the

amendment was tabled by the following vote:

Yeas—19

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Smith
Kazen	

Nays—6

Crump	Schwartz
Moore	Secrest
Owen	Willis

Present—Not Voting

Hudson

Absent

Dies	Roberts
Parkhouse	

Absent—Excused

Gonzalez	Weinert
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The bill as amended was passed to engrossment.

Senate Bill 165 on Third Reading

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith

Nays—1

Willis

Absent

Parkhouse	Roberts
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Absent—Excused

Gonzalez	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Willis asked to be recorded at voting "Nay" on the final passage of S. B. No. 165.

Senate Bill 164 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 164, A bill to be entitled "An Act amending Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957; providing for standards in the quality of eggs; providing for the licensing of egg retailers, dealer-wholesalers, processors and brokers; providing for the deposit and appropriation of fees collected; making provisions relating to the administration of the Act; providing for severability; and declaring an emergency."

The bill was read second time and passed to engrossment.

(Senator Aikin in the Chair.)

Senate Bill 164 on Third Reading

Senator Rogers moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 164 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Fuller
Calhoun	Herring
Colson	Hudson
Creighton	Kazen
Crump	Krueger
Dies	Lane

Martin	Reagan
Moffett	Roberts
Moore	Rogers
Owen	Schwartz
Patman	Secrest
Ratliff	Smith

Nays—2

Hardeman	Willis
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Absent

Baker	Parkhouse
Hazlewood	

Absent—Excused

Gonzalez	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 164.

**Motion to Place
Senate Bill 295 on Second Reading**

Senator Martin asked unanimous consent to suspend the regular order of business and take up S. B. No. 295 for consideration at this time.

There was objection.

Senator Martin then moved to suspend the regular order of business and take up S. B. No. 295 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds of the vote of the Members present):

Yeas—15

Aikin	Martin
Calhoun	Moffett
Creighton	Owen
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hudson	Schwartz
Lane	

Nays—12

Colson	Krueger
Crump	Moore
Herring	Parkhouse
Kazen	Patman

Rogers	Smith
Secrest	Willis

Absent

Baker	Hazlewood
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Absent—Excused

Gonzalez	Weinert
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**Senate Bill 233 with
House Amendments**

Senator Roberts called S. B. No. 233 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Roberts moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Smith
Martin	Willis

Nays—1

Hardeman	
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Absent

Baker	Hazlewood
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Absent—Excused

Gonzalez	Weinert
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**House Concurrent Resolution
on First Reading**

The following resolution received from the House was read the first time and referred to the committee indicated:

H. C. R. No. 33, To the Committee on Jurisprudence.

Welcome Resolution

S. R. No. 266, By Senator Kazen for Senator Gonzalez: Extending welcome to Senior Class of Somerset High School of San Antonio and teacher.

Adjournment

On motion of Senator Hardeman the Senate at 4:35 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTY-THIRD DAY

(Wednesday, March 29, 1961)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, we would lift up our eyes to the cross of Calvary. Grant that we may see the awfulness of our sins; the matchless love of God; and the suffering Saviour who was wounded for our transgressions, and by His stripes we are healed. Make us willing to suffer for Thy sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 39, Declaring that all state offices be closed on the afternoon of Good Friday, March 31, 1961.

S. C. R. No. 32, Inviting Vice President Lyndon B. Johnson to address a Joint Session. (With amendments.)

S. C. R. No. 38, Inviting our Senior Senator, the Honorable Ralph Yarborough, to address a Joint Session, on April 6, 1961. (With amendments.)

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 203.

House has appointed the following Conferees: Springer, Chairman, Cotten, Osborn, Townsend and Wilson of Potter.

H. B. No. 334, A bill to be entitled "An Act providing additional revenue for the support of the state government; amending Article 9.25 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to the allocation of motor fuel (gasoline) tax; repealing Section (9) of Article 7.08 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to a tax on cigarettes; amending Section (g) of Article 20.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to the definition of "phonographs"; amending Section (i) of Article 20.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to air conditioners and component parts used in the assembly and installation of air conditioners; providing a savings clause; providing a severability clause; re-